

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

- - -

JENNIFER BOUGHTON, :  
 :  
Plaintiff, :  
 :  
-vs- : CASE NO. 1:19-cv-154  
 :  
WILLIAM BARR, :  
ATTORNEY GENERAL OF :  
THE UNITED STATES, :  
 :  
Defendant. :  
 :

- - -

Zoom Deposition of JENNIFER BOUGHTON,  
the plaintiff herein, taken by the defendant as  
upon cross-examination pursuant to the Federal  
Rules of Civil Procedure and pursuant to  
agreement between counsel as to time and place  
and stipulations hereinafter set forth, at the  
offices of The United States Attorney, 221 East  
Fourth Street, Suite 400, Cincinnati, Ohio, at  
9:30 a.m., on Wednesday, August 12, 2020, before  
Pamela S. Giglio, a notary public within and for  
the State of Ohio.

- - -

GIGLIO REPORTING SERVICES  
Three Cypress Garden  
Cincinnati, Ohio 45220  
(513) 861-2200

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Elizabeth Asbury Newman, Esq.  
4 of  
5 Freking Myers & Reul, LLC  
6 600 Vine Street  
7 9th Floor  
8 Cincinnati, Ohio 45202

9 On behalf of the Defendant:

10 Margaret A. Castro, Esq.  
11 of  
12 U.S. Attorneys Office  
13 221 East Fourth Street  
14 Suite 400  
15 Cincinnati, Ohio 45202

16 Also present:

17 Joy Williams (Telephonically)  
18 Zachary LeCompte

19 - - -

## S T I P U L A T I O N S

It is stipulated by and between counsel for the respective parties that the deposition of JENNIFER BOUGHTON, the plaintiff herein, may be taken at this time by the defendant as upon cross-examination pursuant to the Federal Rules of Civil Procedure and pursuant to Notice of Deposition; that the deposition may be taken in stenotype by the notary public-court reporter and transcribed by her out of the presence of the witness; that the transcribed deposition is to be submitted to the witness for her examination and signature, and that signature may be affixed out of the presence of the notary public-court reporter.

- - -

## E X H I B I T S

Defendant's Exhibits:	Marked for ID
No. 1	12
Plaintiff'S Response to Defendant's First Set of Interrogatories and Requests for Production	
No. 2	59
E-mail chain	
No. 3	59
Performance Appraisal Report for Jennifer Boughton dated 9-30-15	
No. 4	84
E-mail chain	
No. 5	86
Typewritten memo dated 10-28-15	
No. 6	90
E-mail chain	
No. 7	91
E-mail chain	
No. 8	93
E-mail chain	
No. 9	93
E-mail chain	
No. 10	98
E-mail chain	
No. 11	100
E-mail chain	
No. 12	100
E-mail dated 7-20-15	
No. 13	108
E-mail chain	
No. 14	108
E-mail chain	

1	Defendant's Exhibits:	Marked for ID
2		
3	No. 15	108
4	E-mail chain	
5		
6	No. 16	109
7	E-mail chain	
8		
9	No. 17	119
10	E-mail chain	
11		
12	No. 18	133
13	E-mail chain	
14		
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1 MS. CASTRO: We'll go on the  
2 record and just have it on the record  
3 that we all stipulate that we have  
4 agreed that the video is an  
5 appropriate way to take a deposition  
6 and we don't expect there to be any  
7 issues with accurate transition or  
8 testimony. Is that fair?

9 MS. NEWMAN: Yes.

10 MS. CASTRO: If at any time you  
11 guys have any difficulty hearing me,  
12 please let me know, and I will maybe  
13 take my mask off or do the best I can  
14 to speak up.

15 Pam has indicated that she may at  
16 points jump in to help clarify, if she  
17 has difficulty hearing.

18 Ms. Boughton, do you have any  
19 questions?

20 THE WITNESS: None so far. Thank  
21 you.

22 MS. CASTRO: And thanks for being  
23 here today. We appreciate it.

24 So we're going to go ahead and get you

1 sworn in.

2 JENNIFER BOUGHTON

3 Of lawful age, the plaintiff herein,  
4 being first duly sworn as hereinafter certified,  
5 was examined and deposed as follows:

6 CROSS-EXAMINATION

7 BY MS. CASTRO:

8 Q. Ms. Boughton, for the record, I'm  
9 Margaret Castro. I'm here today representing  
10 the FBI in your case that was filed in federal  
11 Court.

12 Have you ever given a deposition  
13 before?

14 A. Can you clarify?

15 Q. Sure. Have you ever had your  
16 testimony taken in a deposition before?

17 A. I have had my testimony taken for  
18 FBI matters, but I've never for a court  
19 proceeding. No, I didn't.

20 Q. So you have been a sworn witness  
21 before and been subject to questioning?

22 A. Yes.

23 Q. I would assume, then, that you  
24 are familiar, at least a little bit with the

1 process, so I won't delve too deep into the  
2 rules.

3 If there is a time when you need  
4 a break, please let me know and we can stop.  
5 And if you have any trouble understanding my  
6 questions, please do let me know.

7 A. Okay.

8 Q. If you answer, I will assume that  
9 you have understood the question. Does that  
10 make sense?

11 A. Yes.

12 Q. Do you have any questions for me  
13 about the process before we start?

14 A. No, just that, is my microphone  
15 level acceptable, can you hear me?

16 Q. Absolutely perfect. Yep, we're  
17 good to go.

18 A. All right.

19 Q. Thank you.

20 A. I'm on a different setup myself  
21 and I don't know where the microphone is on my  
22 computer.

23 Q. This is all so new to us. I feel  
24 like I'm back last spring, like when I was



1       trying to get my kids on Zoom calls and trying  
2       to figure that out.

3                       So if you answer a question, I'll  
4       assume that you understood it as asked.

5               A.     Okay.

6               Q.     Is there any reason that you  
7       believe you cannot give honest testimony today?

8               A.     No.

9               Q.     Are you under the influence of  
10      any medications or alcohol or drugs which would  
11      affect your ability to give testimony today?

12              A.     No.

13              Q.     Let's go ahead and get started.  
14      I did e-mail to your attorney very many exhibits  
15      last night. I hope you've had the opportunity  
16      to print them off, or have them available to you  
17      to review.

18                     Are they in front of you?

19              A.     They are not in front of me. I  
20      was told that you would probably share them via  
21      this venue. I mean, I reviewed them last night  
22      when I pulled them up electronically.

23              Q.     Do you have them available  
24      electronically where you could pull up the PDFs?

1 A. Yes, I did.

2 Q. Why don't we go ahead and you get  
3 your device ready and have those there, and when  
4 I point to an exhibit, if you could just pull it  
5 up and review as we discuss it.

6 Does that work for you?

7 A. That works for me.

8 Q. Okay.

9 A. Can I do it on a separate  
10 computer?

11 Q. Yes.

12 A. Okay.

13 Q. Yes.

14 MS. CASTRO: Liza, do you have  
15 the exhibits available?

16 MS. NEWMAN: Yes.

17 MS. CASTRO: Okay.

18 (Discussion off the  
19 record.)

20 THE WITNESS: I should be able to  
21 find it.

22 BY MS. CASTRO:

23 Q. Sure.

24 A. If you can tell me where it was

1       and maybe where it is and then I can find it  
2       after and set it up.

3               Q.       So each PDF is labeled by the  
4       Bates number, the stamped number in the bottom  
5       right-hand corner.

6               A.       Yes.

7               Q.       Except for a few which are Court  
8       filings. And the first one I am going to look  
9       at with you is the plaintiff's disclosure of  
10      nonexpert witnesses.

11              And this one, if you can't find  
12      it, I think we can just go through it fairly  
13      quickly with me asking you questions.

14              MS. NEWMAN: I don't see an  
15      attachment labeled with that one.

16              MS. CASTRO: Okay. And it may be  
17      that I didn't forward it. Why don't  
18      we then look at the Plaintiff's  
19      Response to Interrogatories?

20              MS. NEWMAN: Okay.

21              MS. CASTRO: Then we can look at  
22      that instead.

23              MS. NEWMAN: So this is the one  
24      labeled "2020 0304 Plaintiff's

1                   Discovery Responses"?

2                   MS. CASTRO:    Yes.

3                   MS. NEWMAN:   Okay.

4       BY MS. CASTRO:

5                   Q.     Ms. Boughton, you let me know  
6       when you are ready.

7                   A.     I have it pulled up already.

8                   MS. CASTRO:   First we will  
9       provide a copy here to our court  
10      reporter.

11                   THE COURT REPORTER:   Yes.    This  
12      will be Defendant's Exhibit 1.

13                               (At which time,  
14                               Defendant's Exhibit No. 1  
15                               was marked for  
16                               identification.)

17       BY MS. CASTRO:

18                   Q.     So I am going to look at  
19      Interrogatory No. 16 and your answer to that,  
20      Ms. Boughton.   It's on Page 7.

21                               Are you ready to go?

22                   A.     I am.   I have it pulled up.

23                   Q.     What I would like to do is you  
24      list, in response to this interrogatory,

1 individuals that you believe or that you  
2 communicated with about your case. I would like  
3 to go through these individuals. You just tell  
4 me how you know them and what information was  
5 provided.

6 A. Okay.

7 Q. So we will start with Danielle  
8 Stosur, S-t-o-s-u-r.

9 How do you know Ms. Stosur?

10 A. A current coworker.

11 Q. Would you consider her to be a  
12 friend as well?

13 A. I mean, I'm friendly with her,  
14 but we are coworkers. So coworkers.

15 Q. What information did you convey  
16 to her about of this case?

17 A. When I filed in Federal Court, it  
18 was picked up by a couple of local Cincinnati  
19 reporters. And she had just asked me, she just  
20 approached me about it and just asked me about  
21 it so it is very brief detail.

22 Q. Do you anticipate her being a  
23 witness in your case?

24 A. No.

1                   Q.     Then the next name is Susan  
2     Wullenweber.

3                             How do you know Ms. Wullenweber?

4                   A.     Same way, she's a current  
5     coworker. Same situation. When the filing  
6     posted, she also approached me and asked me.

7                   Q.     Do you anticipate her being a  
8     witness in your case?

9                   A.     No.

10                  Q.     Next name is Cady Wullenweber.  
11     For the benefit of our court reporter, these are  
12     all in the exhibit.

13                             How do you know Ms. Wullenweber?

14                  A.     She is a former coworker, related  
15     to Susan Wullenweber. Same situation.

16                  Q.     Do you anticipate her being a  
17     witness?

18                  A.     No. I do not, no.

19                  Q.     Tana Weingartner. I think I know  
20     who that is.

21                  A.     Yes. She actually, I think maybe  
22     works for NPR or something, in Cincinnati. She  
23     is also a friend of a coworker, same situation,  
24     in a general venue. She has asked me in the

1 presence of the other coworker.

2 Q. Do you anticipate her being a  
3 witness?

4 A. No.

5 Q. Steven Knull. How do you know  
6 that individual?

7 A. Current coworker. Same  
8 situation.

9 Q. Do you anticipate him being a  
10 witness to the case?

11 A. No.

12 Q. Jesse Disabatino (pronouncing)?

13 A. Disabatino.

14 Q. Disabatino.

15 A. Former coworker. Same situation  
16 when the story came out. No, I don't  
17 anticipated him being used.

18 Q. Eric Ebersole?

19 A. Same situation, current coworker.  
20 No, I do not anticipate him being used.

21 Q. And I guess what I would ask is  
22 maybe to help move this along, are any of these  
23 not coworkers, former or current, that you do  
24 not anticipate being witnesses?

1           A.     So there are some that are not  
2     former or current coworkers, like there are  
3     family members and very close personal friends,  
4     but none of them are anticipated to be used as  
5     witnesses.

6           Q.     Okay. Then I think we can move  
7     along with that, if you don't expect any of them  
8     to offer testimony in your case.

9           A.     Actually, one of them is my  
10    spouse, and I don't even know if he is even able  
11    to because he is also my spouse.

12                   THE COURT REPORTER: He is also  
13    what, ma'am?

14   BY MS. CASTRO:

15           Q.     Could you repeat that?

16           A.     One of them is my spouse, and if  
17    permitted, he might be used, his testimony.  
18    Robert Ryan.

19           Q.     But he is the only one on this  
20    list that you would anticipate using as a  
21    potential witness in your case?

22           A.     Stand by. Sorry. I'm going  
23    to -- yes.

24           Q.     Sure.



1 A. I'm going to look for this.

2 Q. Let us know when you are ready to  
3 continue.

4 A. Okay. Wendy Surikov is a former  
5 coworker. She might be used.

6 Q. Kenneth Wall?

7 A. Former coworker. Might be used.  
8 Lois Moore, former coworker, might be used.  
9 Michael Morgan, former coworker, might be used.  
10 Calvin Janes, former coworker, might be used.  
11 James Davis, former coworker, might be used. TJ  
12 Felder, former coworker, might be used. Connie  
13 New, former coworker might be used. Regina  
14 Smith, former coworker, might be used.  
15 Also, my medical doctors, I'm not sure if you  
16 have that, if we use medical information.

17 Q. I would like to talk about those  
18 more specifically.

19 Which ones are your medical  
20 doctors?

21 A. Stephen Johnson.

22 Q. Where is he located?

23 A. TriHealth, Good Samaritan Women's  
24 Center.

1 Q. And that's here in Cincinnati or  
2 the suburbs of Cincinnati?

3 A. Yes. Sorry. Yes. Cincinnati.

4 Q. How long have you been a patient  
5 of Dr. Johnson's?

6 A. Since 2010, possibly 2009 or  
7 early 2010.

8 Q. What information do you believe  
9 Dr. Johnson has that would be relevant to your  
10 case?

11 A. He is someone that actually wrote  
12 things to my personnel file regarding the  
13 medical situation that I was facing.

14 Q. What medical situation are you  
15 referring to?

16 A. It is mentioned many times in my  
17 OPR investigation and I had mentioned it in an  
18 EEO filing prior.

19 I had a situation that is very  
20 specific to the female gender, and also subject  
21 of discriminatory employee, anonymous survey  
22 that is also the subject of an OPR  
23 investigation.

24 Q. I would strike that answer as

1 nonresponsive and ask you to just answer the  
2 question as asked and we will move along much  
3 more quickly.

4 What I'm trying to get is the  
5 factual information of the medical condition  
6 itself.

7 Could you provide that to me?

8 A. How much detail do I need to  
9 include in this?

10 Q. Well, I will tell you this. You  
11 have told me and testified right now that you  
12 believe it is relevant to your claims. And so  
13 as a result, I have an obligation to ask you how  
14 it is relevant.

15 In all likelihood, if you are  
16 planning on presenting testimony or documents  
17 from Dr. Johnson in your case, then we will have  
18 you sign a waiver or an authorization for us to  
19 obtain your medical records and we will do that  
20 so we will have those records available to us.  
21 But we are still obligated to ask you about that  
22 because you have listed him as a witness in your  
23 case.

24 A. Okay. He first started treating

1 me when I had to go to the emergency room for a  
2 severe abdominal case and I had to have  
3 emergency surgery to remove a large unknown  
4 origin mass in my abdomen and ovary and my  
5 fallopian tube.

6 Q. Pardon me for interrupting.

7 A. Okay.

8 Q. When was that?

9 A. This was in 2009, 2010, that time  
10 period. Late 2009, early 2010. And it went on  
11 through the spring of 2010 because he continued  
12 to see me and I had to have treatment. And he  
13 believed it was from stress that I grew this  
14 unknown mass.

15 It was not -- I can't think of  
16 the right word. It wasn't a cancerous mass, but  
17 it was also -- it was dangerous. We had to  
18 remove it. And they had to remove, like I said,  
19 an ovary and a fallopian tube that was damaged  
20 severely by it, and I had a severe infection.

21 He then again had to treat me  
22 multiple times after that because I started  
23 having reoccurrence in my ovary problems. And  
24 up until I was removed from the FBI, I was still

1 getting treatments and on medications.

2 Q. I'm sorry. When you say  
3 reoccurrence, what are you referring to?

4 Did you have a mass on your other  
5 ovary then?

6 A. There was another mass that was  
7 grown, yes.

8 Q. Was that removed?

9 A. I had to have a complete  
10 hysterectomy.

11 Q. What year was that?

12 A. 2018, I believe that one was.  
13 They tried to treat it medicinally for quite  
14 some time, multiple years.

15 Q. Because you contend that this  
16 treatment is relevant to your claims, I will be  
17 sending over an authorization for to you sign to  
18 obtain the medical records for that. I don't  
19 think we need to talk any more about it at this  
20 point.

21 Is it your contention that that  
22 is a disability?

23 A. I did not say that word.

24 Q. All right. Then which other of

1       these witnesses on Exhibit 1 are your doctors or  
2       medical providers?

3               A.     Garvin Nickell.

4               Q.     Would you mind repeating that?  
5       You kind of came in and out.

6               A.     Sorry. I'm reading other things.  
7       Garvin Nickell.

8               Q.     Okay.

9               A.     He's just my primary care doctor  
10      but he knew about this information also.  
11      He's -- obviously sees my medical records.

12              Q.     What practice is he with?

13              A.     UC Health.

14              Q.     And how do you believe he will  
15      provide relevant testimony in your case?

16              A.     He just also saw me and checked  
17      on me with recovery, and with the medical  
18      treatment I was receiving.

19              Q.     Was that with regard to the  
20      surgery that you had, or are there other  
21      instances of treatment that you believe might be  
22      relevant?

23              A.     The same things that Steven  
24      Johnson was treating me for and seeing me more

1 in that surgery, yes. There were multiple  
2 surgeries.

3 Q. Then I will also provide an  
4 authorization to your attorney for the release  
5 of those medical records and you will get that  
6 and you will need to sign that as well.

7 Are there any other individuals  
8 on here that you believe may provide relevant  
9 testimony in your case?

10 A. I believe that covers all of  
11 them. There are no more.

12 Q. Thank you. Did you seek any  
13 mental health or counseling treatment during the  
14 time period at issue, say, 2010 forward?

15 A. I'm sorry. Could you repeat that  
16 last part? You kind of broke up a little.

17 Q. Sure. Did you seek any mental  
18 health counseling or treatment from 2010  
19 forward?

20 A. No, I did not.

21 Q. Do you believe that there are any  
22 other medical professionals that could provide  
23 information in your case?

24 A. No.

1 Q. Did you seek any counseling  
2 outside of the medical community, say, through a  
3 faith based organization?

4 A. No.

5 Q. Then I think we can dispose of  
6 this list, if you don't believe anyone else will  
7 be a witness in your case, is that correct?

8 A. Yes.

9 Q. Now, I have in front of me that I  
10 did not provide to you your disclosure of other  
11 witnesses, and some of these names appear  
12 familiar to me and some don't. So I just wanted  
13 to ask for clarification of a couple  
14 individuals.

15 Susan Holliday. How is she  
16 related to your case?

17 A. She was the unit chief. She was  
18 the unit chief; I believe she still is, over the  
19 program that I was assigned to. She was  
20 stationed at headquarters and she also provides  
21 some statements for EEOs. Signed, sworn  
22 statements for EEOs.

23 Q. What testimony do you believe she  
24 might offer in your case?



1           A.     She was familiar with the program  
2     and oversaw the program, and as I said, she was  
3     also the person that knew about the alleged team  
4     leader questions that they said that I had prior  
5     to somebody's interview.

6           Q.     The next name that I'm looking at  
7     is Karl Swenson?

8           A.     Yes.

9           Q.     Could you tell me how he's  
10    involved?

11          A.     He was a former supervisor of  
12    mine in Cincinnati and he was assigned in  
13    Cincinnati still, and yet, it was refused  
14    multiple times. I asked if they would interview  
15    for any of the OPR investigation or for the EEO  
16    investigation, my former supervisors, yet he was  
17    never interviewed.

18          Q.     What year was Mr. Swenson your  
19    supervisor?

20          A.     It was sometime between 2010 and  
21    2014. I would have to check for an exact date.

22          Q.     How long of a period of time was  
23    he your supervisor?

24          A.     I would have to check the exact

1       date.   Probably a year or less, I would say.   He  
2       also served in the acting capacity multiple  
3       times.

4               Q.     The next name that I'm looking at  
5       is Kristi Kennelly.

6               A.     Does it start with a K?

7               Q.     Yes, Kristi with a K, and then  
8       Kennelly, K-e-n-n-e-l-l-y.

9               A.     Okay.

10              Q.     How is Ms. Kennelly related to  
11       your case?

12              A.     She was a team leader from  
13       Chicago.   And their team was TDY to Cincinnati  
14       for a high priority case we were working.   And  
15       she had some interaction with Andrew Munafo.

16              Q.     Was she the individual that asked  
17       you why Andrew Munafo was making disparaging  
18       comments about the TDY?

19              A.     I'm sorry, which point are you  
20       referring to?   Does it have anything about  
21       surgery, then can you clarify at what point?

22              Q.     Sure.   Why don't I ask you.   You  
23       said she had some interactions with Andrew  
24       Munafo.

1 Tell me what those interactions  
2 were.

3 A. She had said at one point that  
4 she thought he was sleeping when they came to  
5 relieve my team. And she also, they were all  
6 TDY teams. When you go TDY, if you want me to  
7 clarify what TDY is; temporary duty assignments.  
8 Okay.

9 When you go on a temporary duty  
10 assignment, you are assigned a radio that is  
11 specific to that office to use. And so they had  
12 been assigned radios to use of her team from  
13 Chicago. And this was after I had been removed.  
14 Andrew was in charge of supposedly returning the  
15 radios to the electronic technicians in  
16 Cincinnati.

17 And she was the only female  
18 supervisor other than myself that had come in to  
19 work this case. And her radio was the only one  
20 that went missing and Andrew tried to blame her  
21 for it. And she had contacted me and said, my  
22 radio is lost, and I said I had nothing to do  
23 with that, I am not on that assignment right  
24 now.

1                   And I later came to find out that  
2                   he found it in, somewhere in the tire well of  
3                   his car and it magically reappeared. But this  
4                   was a big problem, if it's a coded radio,  
5                   obviously. It is a secure piece of equipment to  
6                   lose.

7                   Q.     When did this occur,  
8                   approximately?

9                   A.     It was after I had been removed  
10                  from MST or SSG.

11                  Q.     When was that?

12                  A.     I was removed in May of 2015.

13                  Q.     Then I would like to --

14                  A.     There was --

15                  Q.     Please go ahead.

16                  A.     There were teams coming in TDY  
17                  since the fall of 2014 past the time that I was  
18                  removed. So I am not completely sure when it  
19                  was, but I would say it was late summer or fall  
20                  of 2015 is when this occurred.

21                  Q.     Okay. Then I'm going to continue  
22                  asking you about a few more names that you have  
23                  listed.

24                         TJ Felder. How is Mr. Felder

1 involved in the case?

2 A. He is -- he was in a  
3 similarly-sized office as I. He went through  
4 training class with me in the bureau so we have  
5 known each other since 2003.

6 He was also a team leader, like I  
7 said, in a similar-sized office. His team came  
8 in TDY for the same case. They were actually  
9 two or three cases that were kind of related.  
10 So they were all in it for the same major case,  
11 but there were offset cases on it.

12 He came in from that case and he  
13 is one of the people that did ask me at a  
14 briefing for the cases. He asked me why my team  
15 members were talking classified information  
16 about a case at an open forum restaurant. He  
17 also experienced a lot of similar situations  
18 just from the prospective of having a one-team  
19 office.

20 Q. What office was he from?

21 A. At the time, I believe he was in  
22 Memphis, and he's currently, I want to say he's  
23 in Indianapolis perhaps, maybe Detroit. I know  
24 he mentions both of those. I want to say

1 Indianapolis.

2 Q. That's where you believe he is  
3 currently?

4 A. I believe he's currently in  
5 Indianapolis.

6 Q. Turning to another name on the  
7 list is Nicole D. Barkley.

8 How do you believe Ms. Barkley  
9 has information related to your case?

10 A. She had been -- she was a former  
11 member of the team. And during the OPR  
12 investigation, they claimed they interviewed all  
13 of the members of my team, yet they interviewed  
14 people that were no longer on my team, but they  
15 did not interview her and she had a lot of  
16 interaction with a lot of the people that were  
17 involved in this. And she also states a lot of  
18 the environment of discrimination against  
19 females.

20 Q. Where is Ms. Barkley now?

21 Is she still with the FBI?

22 A. I believe she is. I believe  
23 she's back in Cincinnati.

24 Q. Another name that I have on my

1 list is Mary M. Fecich, (pronouncing), Fecich?  
2 F-e-c-i-c-h.

3 A. Fecich (pronouncing).

4 Q. What information do you believe  
5 Ms. Fecich has related to your case?

6 A. She was one of the former team  
7 members they did interview that I believe that  
8 her statements were not complete. I also  
9 believe that she had more information than she  
10 had given. She was also friends with Andrew  
11 Munafo and two of the people that died in the  
12 boat accident. And also Joseph Hamilton.

13 Q. The next name that I see is  
14 Nicole Gearty, G-e-a-r-t-y.

15 Could you tell me who she is?

16 A. She's a former coworker that I  
17 worked with in Detroit.

18 Q. What information does she have  
19 that's relevant to your case?

20 A. She also experienced gender  
21 discrimination in the Detroit office.

22 Q. Do you believe you experienced  
23 gender discrimination in the Detroit office?

24 A. Yes.

1 Q. By whom?

2 A. Multiple employees in the Detroit  
3 office. There were times where I was passed  
4 over for trainings, even if I was specifically  
5 requested by headquarters by name for a training  
6 that had to do with curriculum and training to  
7 come out for a TDY assignment.

8 The male supervisor there tried  
9 to insert another male employee instead who was  
10 not as qualified.

11 Q. What is the name of that  
12 supervisor?

13 A. It was Ron Rose.

14 Q. Was he your supervisor?

15 A. He was the coordinator so he was  
16 the reviewing official for my performance  
17 reviews.

18 Q. Who was your supervisor?

19 A. I had three different supervisors  
20 in Detroit. I had Stephen Croal. (Phonetic) I  
21 also have Lawrence Leopold, and for a little  
22 while, I had Robert Ryan. I think it was  
23 Lawrence Leopold at the time.

24 And the team member was Larry



1 Errol. (Phonetic) he was not qualified for --  
2 as qualified as I was for this because my  
3 training and my master's degree are in  
4 curriculum and instruction. And yet, Ron Rose  
5 tried to push him to go on the TDY instead, and  
6 he certainly didn't do the training. And then  
7 they actually cancelled the training when he  
8 said that he wouldn't let me go.

9 Q. Did you experience discrimination  
10 from Mr. Croal?

11 A. Yes.

12 Q. From Mr. Leopold?

13 A. Yes.

14 Q. From Mr. Ryan?

15 A. No.

16 Q. Mr. Ryan is your husband; right?

17 A. Yes.

18 Q. Was he your husband at the time?

19 A. No.

20 Q. Were you dating or seeing each  
21 other at the time?

22 A. Not at that time. Before I left  
23 Detroit, we did date a little bit, but...

24 Q. So you were dating while you were

1 an employee at the Detroit field office?

2 A. Yes, and we actually disclosed it  
3 to Ronald Rose, who was the supervisor, in  
4 writing.

5 Q. How long were you with Detroit?

6 A. I was in Detroit from 2003 to  
7 December 7th of 2008 when I reported to  
8 Cincinnati.

9 Q. Why did you leave the Detroit  
10 office?

11 A. I applied for and got promoted to  
12 the supervisor for Cincinnati.

13 Q. When did you begin dating  
14 Mr. Ryan?

15 A. I would say around 2007, I want  
16 to say late 2007.

17 Q. Probably or?

18 A. I honestly don't have a perfect  
19 date on that. It was very infrequent.

20 Q. But you don't believe you saw him  
21 socially before 2007; is that correct?

22 A. We were friends before that, but  
23 I was married and went through a divorce.

24 Q. What is your ex-husband's name?

1 A. Timothy Corson.

2 THE REPORTER: Could you spell  
3 that for the record?

4 BY MS. CASTRO:

5 Q. Could you spell that, please?

6 A. Timothy is the standard spelling  
7 of Timothy. Corson is: C as in Charlie, O as  
8 in Oscar, R as in Romeo, S as in Sierra, O as in  
9 Oscar, N as in November.

10 Q. What year were you divorced?

11 A. 2005.

12 Q. Did your leaving the Detroit  
13 field office have anything to do with your  
14 concerns about experiencing sex discrimination  
15 there?

16 A. Yes.

17 Q. Did you report those incidents?

18 A. Yes.

19 Q. Who did you report those to?

20 A. My supervisor, Ronald Rose.

21 Q. When did you make that report?

22 A. As the incidents happened. And  
23 they were verbal reports.

24 Q. Did you make any EEO claims

1 during your time at the Detroit field office?

2 A. No.

3 Q. Then there is one final person  
4 here that I don't recognize the name, and that's  
5 Bennie Bustamante?

6 A. Yes.

7 Q. Who is that individual?

8 A. He's a former coworker in the  
9 Cincinnati office. He is a retired special  
10 agent. He was the security officer in  
11 Cincinnati.

12 Q. What information does he have  
13 that you believe may be relevant?

14 A. I reported a lot of the security  
15 violations to him that occurred on my team. I  
16 also reported to him at least twice. One time  
17 when I felt threatened by James Wilson, who was  
18 a subordinate and when I felt threatened by  
19 Andrew Munafo, also a subordinate.

20 Q. Thank you for going through those  
21 names with me. I'm just going to keep plowing  
22 forward. So if at any time anybody needs a  
23 break, let me know. But I figure, let's get  
24 this over and done with.

1                   And I'm going to turn back to  
2                   what we have labeled as Exhibit 1, which is your  
3                   responses to the Interrogatories. And I'm now  
4                   looking at Page 5.

5                   A.     Okay.

6                   Q.     What I see here is a list of  
7                   names, and I would like to just go through this  
8                   list very quickly of individuals that you  
9                   believe -- well, I'll let you say.

10                  I see Jason Distasio. Could you  
11                  tell me what false information against you Mr.  
12                  Distasio reported?

13                  A.     Yes. Mr. Distasio in a signed  
14                  sworn statement for OPR, he reports things that  
15                  I went to Disneyland while I should have been on  
16                  shift on a special assignment in California with  
17                  the team. And I was actually in a field office  
18                  getting radios exchanged and in L.A. traffic.

19                  Q.     You didn't go to Disneyland?

20                  A.     I never went to Disneyland on  
21                  that trip. And the only time that I had taken  
22                  off, and he made some other claims about me just  
23                  leaving and not showing up for work. The other  
24                  time that I was off was on my regular day off,

1 my RDO that was assigned for the TDY.

2 Q. What is your opinion of  
3 Mr. Distasio?

4 A. I feel that he is extremely  
5 discriminatory against females. There were many  
6 incidents where he had to be pulled aside by my  
7 supervisor because he said a thing where he  
8 called a female a baby maker. He called -- he  
9 talked about when you have a kid, once you have  
10 a boy, it's all good after that. Everything is  
11 gravy. He would often make very discriminatory  
12 remarks regarding females.

13 Q. I appreciate that. But what I'm  
14 asking is, what is your opinion of him?

15 A. I didn't have any opinion of him  
16 with those interactions.

17 Q. What do you mean by that? I'm  
18 not sure what you mean.

19 You did not have an opportunity  
20 to develop an opinion of him?

21 A. No, I had an opportunity. I feel  
22 like he was condescending towards women. He  
23 would also get into fights a lot of times with  
24 people on the team.

1           Q.     What I am asking is just your  
2     opinion right now. And I'm going to move on to  
3     the next individual that you have listed and  
4     that's Joseph Hamilton.

5           You contend that there was some  
6     sort of offsite security breach. What do you  
7     believe that to be?

8           A.     Joseph Hamilton had an issue with  
9     securing the offsite. Multiple times, he  
10    wouldn't engage the locks, he would not engage  
11    the locks, he would set the alarm system. He  
12    also lost a covert ID, he had his passport  
13    stolen at one point.

14          Q.     What is your opinion of  
15    Mr. Hamilton?

16          A.     I feel that he did not like to be  
17    told that he needed to work. He did not like to  
18    work and he often tried to distract from his own  
19    ineffectiveness with the security things, and  
20    make a joke out of it.

21          Q.     And again, I appreciate that you  
22    are giving me factual allegations. What I'm  
23    asking for is your opinion.

24                 What is your opinion of

1 Mr. Hamilton?

2 A. My opinions are based on  
3 interactions that I have had.

4 Q. And what are those opinions?

5 A. I just said. I believe that he  
6 did not like being told to work. He hadn't been  
7 taking accountability for his own actions.

8 Q. Did you get along with  
9 Mr. Hamilton?

10 A. I tried to get along with every  
11 member of my team.

12 Q. Well, I didn't ask if you tried.  
13 I asked if you did.

14 A. For the most part, yes. When he  
15 started to act unlike his regular personality at  
16 the end of 2014 after the boating accident that  
17 killed two of our team members, he did not act  
18 the same way, and I do not feel like we got  
19 along. I felt that he was disrespectful, too.

20 Q. Do you respect him?

21 A. That's a very broad, broad  
22 question. Could you be more specific?

23 Q. No.

24 A. I respect every individual as a



1 human being. I tried to respect every person as  
2 a human being.

3 Q. That includes Mr. Hamilton?

4 A. He is a human being, yes.

5 Q. You have referenced a couple  
6 times a boating accident that took place in  
7 September of 2014. It might be worthwhile just  
8 quickly going through what effect that had on  
9 your team members.

10 Could you explain to me whether  
11 that had an effect, and if so, what was it?

12 A. I believe it did have a serious  
13 effect on the entire team and people that had  
14 been friends that were former members of the  
15 team, when the people that had perished in the  
16 accident.

17 Prior to the accident, we would  
18 often go on TDYs up until a few weeks --  
19 actually, they had just gotten back since the  
20 week before the accident and we just returned  
21 from a TDY and the team would be doing -- a  
22 couple members would often go out and go out to  
23 eat, or a lot of them would go out to bars in  
24 the area where we were assigned. And I had

1       actually made --

2               Q.     If you don't mind, in the  
3       interest of time, I would like to stick with the  
4       question that I asked and maybe I need to be  
5       more specific.

6               So tell me what effects, how in  
7       the work situation the accident changed the  
8       dynamics of your team.

9               A.     I feel like the people that -- I  
10      feel like there was a division a lot with the  
11      personalities on my team after this. The boat  
12      accident was from being intoxicated and driving  
13      a boat. And my point was, I had disclosed to my  
14      supervisors --

15              Q.     Again, I'm not asking you about  
16      what happened before the accident.

17              I'm specifically asking you, how  
18      did the accident impact your team  
19      professionally?

20              You were the supervisor; right?

21              A.     Yes.

22              Q.     So there is probably no better  
23      person to describe how your team changed as a  
24      result of this very sad and tragic event.

1                   Is that right, do you feel like  
2                   you are in a good position to be able to make that  
3                   assessment?

4                   A.     I'm trying to explain to you the  
5                   assessment but it is relevant that --

6                   Q.     Well, first I'm asking you, do  
7                   you believe that you were in a position to be  
8                   able to evaluate the impact the accident had on  
9                   your team members?

10                  A.     Yes.

11                  Q.     What impact, and if it's easier,  
12                  we can go through each team member, if you want,  
13                  and you can tell me individually what impact the  
14                  boat accident had.

15                         Would you prefer to do that?

16                  A.     It's your choice.

17                  Q.     Go ahead and name the team  
18                  members at the time of the boat accident.

19                  A.     Jason Distasio.

20                  Q.     How did the boat accident impact  
21                  him professionally?

22                  A.     So I need clarification on that  
23                  one.    You're asking how it impacted them  
24                  professionally?   You want to just know how it

1       impacted their performance or do you want to  
2       know how it impacted their interactions with all  
3       of the personalities on the team because we work  
4       as a team in how we interact with each other.

5               Q.     Do you believe that the element  
6       of working together professionally as a team is  
7       relevant to professional performance?

8               A.     We were a team. We had to work  
9       as a team. Like we literally had to depend on  
10      each other to do our job. Yes.

11              Q.     I take it that's a yes?

12              A.     Yes.

13              Q.     Is that because you believe that  
14      it is important professionally? I would ask  
15      both how it affected their individual  
16      performance and how it impacted their ability to  
17      work together as a team?

18              A.     Okay.

19              Q.     Let's start with Mr. Distasio.

20              A.     Okay. Mr. Distasio was notably  
21      different in his interaction with the team.

22              Q.     Following the accident?

23              A.     Following the accident.

24              Q.     Who was another member of the

1 team at the time?

2 A. Andrew Munafo.

3 Q. How would you describe his  
4 professional performance, both before and after  
5 the accident?

6 Did it change in any way?

7 A. He already had some performance  
8 issues and was not always very professional with  
9 his interactions. And it became exacerbated, I  
10 would say, by the accident. It became an  
11 exponential noticeable difference.

12 He would turn off his phone.  
13 Even if he was the acting team leader, he would  
14 not respond to things. He was making threats of  
15 violence. He was threatening to kill somebody.

16 Q. Was he friends with the two  
17 individuals that died in the accident?

18 A. Yes.

19 Q. I assume you all were friends?

20 A. For the most part, the team  
21 members, my subordinates were very good friends.

22 Q. And were you?

23 A. That's sort of like when you  
24 asked me if my coworkers were my friends. Yes.

1 I would get a bite to eat with them off shift,  
2 and sometimes even talk to them. But I don't  
3 know if I would call it friends.

4 Q. Who were the other members of  
5 your team at the time?

6 A. Joseph Hamilton.

7 Q. How did the accident change his  
8 professional performance?

9 A. He stopped, he stopped kind of  
10 interacting with a lot of the other members. He  
11 started almost complaining about every minutia  
12 of work. He didn't want to do the timecards, he  
13 didn't want to do the logs, he didn't want to  
14 do -- it's like it kind of took the motivation,  
15 any motivation he may have had out of it.

16 And he was very -- he became  
17 very, I want to say almost defensive. I think  
18 it was more aggressive. It was different than  
19 his personality had been if you took like an  
20 average of his personality over the years prior.

21 Q. Did you have any other team  
22 members at the time?

23 A. James Wilson.

24 Q. Tell me how the accident changed

1 his professional performance?

2 A. I don't know that it changed his  
3 professional performance.

4 Q. Okay.

5 A. He was, he was aloof beforehand  
6 and sort of aloof afterwards.

7 Q. In your response to the  
8 interrogatory, you state that Mr. Wilson  
9 provided false information on a signed  
10 affidavit --

11 A. Yes.

12 Q. -- or a signed sworn statement?

13 A. Yes.

14 Q. What are you referring to there?

15 A. I'm sorry. You broke up.

16 Q. Sure. What are you referring to  
17 with that?

18 A. In the signed sworn statement for  
19 the OPR, he said that I put him on a performance  
20 improvement plan. I never put him on a  
21 performance improvement plan. I never put any  
22 individual on the team on a performance  
23 improvement plan. And that was used in the  
24 investigation against me saying I retaliated

1       against people.

2                       And a simple check, a records  
3       check would show that I never put him on a  
4       performance improvement plan and he put that in  
5       a signed sworn statement.

6                       Q.     What is your opinion of  
7       Mr. Wilson?

8                       A.     I worked with Mr. Wilson in  
9       Detroit also, and I feel like he was different  
10      in Detroit than he was in Cincinnati, but our  
11      roles also changed. We were coworkers on a team  
12      in Detroit, and then when I went to Cincinnati,  
13      I was a supervisor.

14                      And he had also applied for my  
15      position and I feel like he had a lot of issues  
16      reporting to a female. He would not, like when  
17      I said no to something, he would break the team  
18      off two hours or three hours early, and I told  
19      him he couldn't do that.

20                      Q.     I asked what your opinion is of  
21      Mr. Wilson.

22                      A.     I feel like he tried to undermine  
23      authority, and he was especially condescending  
24      to women.



1 Q. Did you like him or do you like  
2 him?

3 A. I tried to respect him as a human  
4 being, but I feel like he lied.

5 Q. I take that as a no?

6 A. No. I did not say no.

7 Q. Okay.

8 A. I said I try to respect everyone  
9 as a human being.

10 Q. All right. I will tell my kids  
11 to follow that advice.

12 Who else was a team member at the  
13 time?

14 A. I'm trying to remember who we  
15 talked about. Did we talk about Hamilton?

16 Q. Yes.

17 A. Wilson?

18 Q. Yes.

19 A. Munafo?

20 Q. Yes.

21 A. Distasio?

22 Q. Right.

23 A. I think that was good. I think  
24 we are still missing a member because Barkley

1       had just departed for an assignment in  
2       St. Louis.

3               Q.     So you have told me that, and  
4       then it sounds like the boat accident had a  
5       significant impact on these individual's  
6       performance professionally.

7               Is that a fair statement?

8               A.     Yes.   They were having trouble  
9       interacting with each other.   Like our team  
10      performance was impacted tremendously.   They  
11      were not responding the way that they normally  
12      responded.

13              Q.     Would you consider that to be a  
14      fair response to what had just occurred?

15              A.     I feel like we were all mourning  
16      and we were all shocked.

17              Q.     What I asked was, would that have  
18      been a fair response to the tragic accident that  
19      occurred?

20              A.     I don't know that I can honestly  
21      answer that, because my response is the only  
22      thing that I can attest to.

23              Q.     Was your's a fair response?

24              A.     Sorry?

1 Q. Was your response a fair  
2 response?

3 A. I think that for every person  
4 it's going to be different.

5 Q. Well, I'm asking for you.

6 A. It's kind of a subjective  
7 question and I'm not a psychological expert to  
8 say if it is fair or not fair on how somebody  
9 responds to a tragic death or a tragic accident.

10 Q. You can't testify as to whether  
11 you feel like you responded appropriately to the  
12 accident?

13 A. That's different. That's  
14 different.

15 Q. Okay.

16 A. You want appropriate or fair?

17 Q. Appropriate.

18 A. I feel like I responded  
19 appropriately, yes.

20 Q. Do you feel that the rest of the  
21 team members responded properly?

22 A. I don't think all of them handled  
23 themselves appropriately and I feel like some of  
24 them acted out on me in particular.

1           Q.     Do you believe that you handled  
2     it appropriately?

3           A.     All I can say is I can attest to  
4     the best of my ability given the situation.

5           Q.     Do you feel that there were any  
6     team members that didn't handle it to the best  
7     of their abilities given the situation?

8           A.     I couldn't gauge, because I don't  
9     know everyone's ability for handling grief.

10          Q.     Let's move on. In your  
11     interrogatory response, I want to talk about  
12     Hugh Eby, E-b-y.

13          A.     Okay.

14          Q.     First of all, who is that?

15          A.     Hugh Eby was a Special Agent in  
16     the Cincinnati office.

17          Q.     What candor issue was he  
18     investigated for?

19          A.     I'm not sure I know all the  
20     details of it. I believe he lied on a document  
21     that was submitted to -- I can't remember what  
22     the name of it is. It's for following the  
23     subject of opening a document to open a case on  
24     a subject.

1 Q. You believe or you know?

2 A. I never saw the document but that  
3 is my knowledge.

4 Q. Did you see the OPR report?

5 A. I was interviewed for the OPR  
6 investigation.

7 Q. Did you see the OPR report?

8 A. Not that I remember.

9 Q. Okay. Turning to the next page  
10 on those Interrogatories, you list several more  
11 individuals that are in different field offices  
12 throughout the country.

13 A. Okay.

14 Q. And what I would like to know is,  
15 for each of these individuals, what do you  
16 believe the wrongdoing was?

17 And we will start with Glennis  
18 Jones. What was he investigated for?

19 A. Hold on, sorry. My page just  
20 flipped.

21 Q. Sure.

22 A. This is Page 6; right?

23 Q. Yep. Page 6.

24 A. Okay. Okay. One more time.

1 Q. Sure.

2 A. Glennis Jones.

3 Q. You had indicated in your  
4 response to the Interrogatories that each of the  
5 following individuals were investigated by OPR  
6 or had EEO complaints against them.

7 Tell me what your basis of  
8 knowledge is for the complaint against  
9 Mr. Jones, Glennis Jones.

10 A. I believe there were a multitude  
11 of things that were being investigated on him.  
12 And he was also a one-team office team leader.  
13 And I think timecard fraud was one of the  
14 incidents.

15 Q. When you say you believe, you  
16 believe or you know?

17 A. I know that he was investigated  
18 by OPR.

19 Q. Did you see the investigative  
20 report?

21 A. No.

22 Q. Do you have any personal  
23 knowledge of what occurred with Mr. Jones?

24 A. Firsthand? No.

1 Q. Then let's turn to Michael Jones.

2 Do you have firsthand knowledge  
3 of what occurred with Mr. Michael Jones?

4 A. My knowledge is that the team  
5 leader that had to take over for him, it was  
6 based on financial issues, and also timecard  
7 issues because I had to help them fix the  
8 financial issues in the office.

9 Q. Who provided you that  
10 information?

11 A. The team leader at that time.

12 Q. John Shaw. Are you aware of any  
13 wrongdoing by Mr. Shaw?

14 A. He was in New Haven. Also a  
15 one-team office. I did not see the report. I  
16 just know that he was removed because of the --  
17 or excuse me. He was under an OPR  
18 investigation.

19 Q. How are you aware of that fact?

20 A. He was then put in a different  
21 position.

22 Q. I guess I should ask, who made  
23 you aware of that fact?

24 A. One of my team members who knew

1 John Shaw.

2 Q. Lawrence Leopold. How did you  
3 become aware of any wrongdoing by Mr. Leopold?

4 A. Lawrence Leopold, I actually  
5 spoke with him personally. And while he was in  
6 Washington, DC, I happened to be out there for a  
7 TDY separate, completely unrelated. And he had  
8 reached out to me and we had lunch and he told  
9 me.

10 Q. Kevin Holyfield?

11 A. Kevin Holyfield.

12 Q. How did you become aware that  
13 Mr. Holyfield had alleged wrongdoing?

14 A. He told me.

15 Q. Joe Gladd?

16 A. Yes.

17 Q. How did you become aware that  
18 Mr. Gladd was subject to an OPR investigation?

19 A. No. Joe Gladd, when he was in  
20 Houston, he suddenly disappeared from that  
21 position and then he resurfaced in Detroit. And  
22 my husband Robert Ryan was in Detroit at the  
23 time, and he relayed that information.

24 Q. Tom Brink?



1           A.     I was on a TDY with Tom Brink.  
2     And I don't believe he was OPR, it's different  
3     from the EEO category, and he told me about his  
4     experience.

5           Q.     Kevin Smith?

6           A.     Also on TDY. He was accused of  
7     having a team leader questioned.

8           Q.     How did you become aware of that?

9           A.     He talked about it on the TDY  
10    that we were on.

11          Q.     And what about Ed Foley?

12          A.     Mary Fecich worked in the New  
13    York office and she talked with those team  
14    members and I'm not sure if she talked with Ed  
15    himself, the same situation.

16          Q.     So you heard about that situation  
17    from Mary?

18          A.     Yes.

19          Q.     Okay. All right. Give me just a  
20    moment. I'm going to switch gears here.

21          A.     Could this be a good time that we  
22    could take a five-minute quick break possibly?

23          Q.     Sure. I was going to say the  
24    same thing.

1 MS. CASTRO: I am not entirely  
2 sure how to do this electronically.  
3 I might just leave things on. Do you  
4 guys think you can go to another room  
5 and call each other from there?

6 THE WITNESS: Yes. Is it okay if  
7 I turn off my camera and my mike?

8 MS. CASTRO: Yes. Maybe that's  
9 the best way to do it. I don't know  
10 if we all can do that, but we can try  
11 it.

12 THE WITNESS: Like five minutes,  
13 or six minutes?

14 MS. CASTRO: Sure.

15 THE WITNESS: Okay. I'm off.

16 (At which time, a short  
17 recess was taken.)

18 BY MS. CASTRO:

19 Q. Are you ready to go?

20 A. Yes.

21 Q. Okay. I'd just remind you that  
22 you are still under oath.

23 A. Yes.

24 Q. I have a stack of documents, as

1       you know, that I think we'll just kind of try to  
2       hammer through it as quickly as we can.

3                       The first one I would the ask you  
4       to turn to is marked 1189. That's the name of  
5       the PDF. Just give me a shout out whenever you  
6       are ready.

7                       A.     Okay. Is it the one that starts,  
8       it's an e-mail?

9                       Q.     Yes.

10                      A.     Yes. I'm ready.

11                      Q.     And then I would ask you also to  
12       open up 511.

13                      MS. CASTRO: We are going to mark  
14       these as Defendant's Exhibits 2 and 3.

15                      THE COURT REPORTER: Yes. These  
16       will be Defendant's Exhibits 2 and 3.

17                      (At which time,  
18                      Defendant's Exhibit Nos. 2  
19                      and 3 were marked for  
20                      identification.)

21                      MS. NEWMAN: You said 511?

22                      MS. CASTRO: Yes. Liza, do you  
23       have it?

24                      MS. NEWMAN: Yes. Jennifer, if

1           you can bring all of the attachments  
2           out into a folder, and then they will  
3           be in numeric order.

4           THE WITNESS: Okay. I haven't  
5           even downloaded all of them at this  
6           point, so I'm still searching. Okay.  
7           I have 511.

8 BY MS. CASTRO:

9           Q. We will start with 511, which we  
10          have marked as Defendant's Exhibit 3 and I see  
11          that this is a performance appraisal report with  
12          a rating of record date of September 30, 2015.  
13          Do you see that as well?

14          A. Yes.

15          Q. So we are on the same page, and  
16          we are looking at the same document?

17          A. Yes.

18          Q. Your performance rating here,  
19          what period of time did this cover?

20          A. This would have been from  
21          October 1st of 2014 through September 30th of  
22          2015.

23          Q. So that would have encompassed  
24          the period of time shortly after the boat

1 accident in September of 2014; is that correct?

2 A. Starting, yes; shortly after the  
3 boating accident up through 2015, yes.

4 Q. And if you look at block number  
5 six, your rating was marked as what?

6 A. The summary rating is marked as  
7 "excellent."

8 Q. Is that a good rating? I'm not  
9 familiar with the FBI in terms of -- I mean, I  
10 see the scale here.

11 Do you consider excellent to be a  
12 good rating?

13 A. It is a good rating.

14 Q. And so you took that to be a good  
15 rating when you were given this report?

16 A. As an overall rating, it is a  
17 good rating. Yes.

18 Q. Who gave that you rating?

19 A. It is issued to me by my  
20 supervisor, Herbert Stapleton.

21 Q. Tell me, what's your opinion of  
22 Mr. Stapleton?

23 A. Again, I try to have respect for  
24 all human beings, but he's not somebody that I

1       would choose as a friend.

2               Q.     Why is that?

3               A.     We do not have things in common.  
4       I don't think our views on life, politics, et  
5       cetera, are in line.

6               Q.     Is he a respectful person?

7               A.     To me, no.

8               Q.     To others?

9               A.     I have seen him be respectful to  
10      some people, but disrespectful to others.

11              Q.     Is he fair?

12              A.     I do not feel he is, no.

13              Q.     Does he feel that way toward you,  
14      or as to other people as well?

15              A.     From what I have seen, I feel  
16      that it applies to myself and to other people.

17              Q.     Just to other women or other men  
18      as well?

19              A.     I would say other people, men and  
20      women.

21              Q.     Did Mr. Stapleton ever make any  
22      harassing comments to you based on your gender?

23              A.     Yes.

24              Q.     Tell me what that was.

1           A.     Multiple times, he's quoted in  
2     signed sworn statements saying, I'm overly  
3     picky, I'm overly emotional. I overreacted to  
4     things. I could be divisive, negative.  
5     Sometimes my commentary or my communications  
6     lacked professionalism.

7                     He had, at one point, had a joke  
8     and told me about it that he talked with other  
9     male agents on the squad and calling me a GS-24,  
10    which to me, I felt reflected on me being a  
11    working female. Because they were combining my  
12    income with my spouse's income and making fun of  
13    it.

14                    He will say things to me, like, I  
15    will not be talked to like a child. And I was  
16    just asking him, do you see what is happening  
17    here with my team? And he would respond with  
18    condescending things that I feel I have never  
19    heard him say to a male and I couldn't say to a  
20    male. I feel it's very condescending.

21                    And, you know, he also would say  
22    things to me after he completed a project. He  
23    said, "let that be a lesson to you." And I felt  
24    that that was very offensive to me as a woman

1       that I needed to be taught a lesson, or he felt  
2       that I needed to be taught a lesson.

3               He would also, he volunteered me  
4       for activities that are stereotypical towards  
5       females. At one point after the accident, he  
6       volunteered and pretty much scheduled me to go  
7       kind of sympathetically to go to one of the  
8       employees that died in the boating accident.  
9       I was the only female on the team. He did not  
10      ask any of the other males to do it. And he  
11      said that I was the best suited to do it. I  
12      felt those were all disrespectful to me as a  
13      female.

14             He also referred to me as cynical  
15      and I think that that is often a stereotypical  
16      phrase attributed to females.

17             Q.     You have given me a litany of  
18      complaints about Mr. Stapleton and you also  
19      testified that he could be disrespectful toward  
20      both men and women.

21             A.     I said he was not fair towards  
22      men and women. That fairness means that he  
23      could have shown favor, and I believe he showed  
24      favor to males.



1           Q.     The types of words that you have  
2     used that you attribute to Mr. Stapleton, like  
3     "picky," "emotional," "over emotional," "lack of  
4     professionalism," "cynical," are those words  
5     that you would expect for him to describe a man  
6     as well?

7           A.     No.

8           Q.     Did you ever recall him offering  
9     constructive criticism to male subordinates?

10          A.     Yes.

11          Q.     Do you recall who he did that to?

12          A.     During some, during the six-month  
13     reviews that he sat in on, he would often  
14     interject things to the male subordinates and he  
15     never used any of that language with them.

16          Q.     What types of interjections would  
17     he make?

18          A.     He would even, on men things,  
19     like if it looked like it upset a male, he would  
20     say it looked like you are not doing the  
21     normal -- and I'm going to be misquoted.  
22     It was stated in one of the signed sworn  
23     statements that he made.

24                   He had sat in on a six-month

1 review and he had been talking to Joseph  
2 Hamilton. And he had said that, "I feel like  
3 you are not performing to your normal level."  
4 And Hamilton, I think, got upset by it. And so  
5 Stapleton revamped what he said and he even  
6 said, "let me rephrase." And he said it in a  
7 more positive way saying, "how can we make you a  
8 TDY like you were before?"

9 It's not a direct quote. It's in  
10 a signed, sworn statement. So I don't want  
11 to...

12 Q. Sure. Sure.

13 A. It was slanted or rephrased in a  
14 very, in a more positive action way.

15 Q. I'm not asking about positive  
16 interactions with Mr. Stapleton. I'm asking  
17 about negative interactions with him.

18 And the way you described him to  
19 me, he sounds very abrasive, is that correct?

20 A. He was abrasive with me. I did  
21 not witness him being abrasive with any of the  
22 male employees.

23 Q. Okay. So then you don't recall  
24 him using any of this negative language towards

1 the male employees?

2 A. I never experienced him using  
3 this language towards males.

4 Q. Are you aware of any times when  
5 he may have given criticism to male employees?

6 A. I witnessed a few times, just  
7 like I evidenced, like I just told you.

8 Q. What were those again, because I  
9 think I kind of got lost?

10 A. During six-month reviews. He sat  
11 in on six-month reviews.

12 Q. And what type of language would  
13 he use?

14 A. I am sorry?

15 Q. What type of language did he use  
16 that you are referring to?

17 A. He used, like I said, he used  
18 more positive actionable language.

19 Q. I am sorry. I am not asking  
20 about the positive language. I'm asking about  
21 negative language that he's used.

22 Can you give me examples of  
23 negative language he's used?

24 A. I just answered, I did not

1 witness him using negative language towards  
2 males.

3 Q. Okay. Never?

4 A. I did not witness.

5 Q. But it is your testimony that he  
6 did toward you?

7 A. Yes.

8 Q. Did he do it toward other women?

9 A. I don't know that I witnessed  
10 any, just because I was the only female on the  
11 team for most of the time Stapleton was our  
12 supervisor.

13 Q. So you don't --

14 A. He actually -- yes, yes, he did.  
15 He -- it wasn't someone on my team. He  
16 described, on one of the supervisors in the main  
17 office, as crazy. Claudia Henderson, he  
18 described her as "crazy." And he had also  
19 referred to Lisa Bustamante, who was the  
20 administrative officer as -- I don't remember if  
21 it was not right in the head or something  
22 similar to the word crazy. But I just remember  
23 distinctly that he called Claudia Henderson  
24 crazy.

1 Q. And that was to your face?

2 A. Yes, in a one-on-one talk we were  
3 having.

4 Q. Is it appropriate to talk about  
5 coworkers or subordinates using that type of  
6 language?

7 A. I felt uncomfortable when he did  
8 it.

9 Q. Well, I'm not asking you how you  
10 felt. I'm asking if it's appropriate?

11 A. No.

12 Q. And would you contend that  
13 supervisors really shouldn't be talking about  
14 other employees with that type of language?

15 A. They should not be calling  
16 employees names, no; other employees names. No.

17 Q. Is that unprofessional?

18 A. Yes.

19 Q. Would you say that it's  
20 unprofessional to discuss subordinates with  
21 other employees using terms like you have  
22 described that Mr. Stapleton used, name calling,  
23 essentially?

24 A. If that person is instigating it,

1 I would say that that is not appropriate. Like  
2 if I used that word and he were like reiterating  
3 what I had said to try talk to me about it, then  
4 I can understand him using that language, but I  
5 don't think that he should be name calling  
6 somebody else, no.

7 Q. Do you think it's professional to  
8 discuss other employee's performance issues with  
9 their coworkers?

10 A. If it has an impact on a team  
11 action, I do believe that they should.

12 Q. So you think that that's okay to  
13 discuss other employee's performance issues with  
14 other coworkers?

15 A. If the coworker has an impact on  
16 the team performance, such as, if they are an  
17 acting team leader at the time, then you have to  
18 discuss that because they have the issues. They  
19 are the acting supervisor, so it would be  
20 necessary.

21 Q. But it's not okay for Mr.  
22 Stapleton to do that, or is it?

23 A. Can you ask me clearly which  
24 question you are asking me?

1 Q. Sure, sure.

2 A. Okay.

3 Q. So you just testified that it is  
4 okay to discuss other employee's performance if  
5 it impacts on their work as a team.

6 Is that correct; am I stating  
7 that fairly?

8 A. I said if it's the acting  
9 supervisor, yes, it is necessary to discuss  
10 those items. Yes.

11 Q. So does that then apply to Mr.  
12 Stapleton as a supervisor?

13 A. If that is the situation, he can  
14 discuss it, yes. That's not the situation with  
15 Claudia Henderson.

16 Q. Well, I'm just asking generally  
17 if that is the situation, and your testimony is  
18 yes?

19 A. I didn't hear the last part.

20 Q. Yes.

21 A. You were muffled.

22 Q. Okay. I think I got the answer.

23 A. Okay, sorry. It keeps crackling  
24 at the last two words.

1                   Q.     Yeah, yeah. I'll take it off, if  
2     it gets really difficult.

3                   A.     Okay.

4                   Q.     So generally then, would you  
5     characterize Mr. Stapleton as a good supervisor?

6                   A.     No.

7                   Q.     Was he a poor supervisor?

8                   A.     I would say he was a very poor  
9     supervisor. He was the worst supervisor I had  
10    in Cincinnati.

11                  Q.     What other supervisors did you  
12    have in Cincinnati?

13                  A.     I reported to Ken Wall, I  
14    reported to Karl Swenson, I reported to Wendy  
15    Surikov.

16                  Q.     Yes.

17                  A.     And I reported to Herbert  
18    Stapleton.

19                  Q.     And I'm assuming of those, Wendy  
20    is the only female?

21                  A.     Yes.

22                  Q.     Then I want to look back here at  
23    Exhibit 3, which is 511. It's your performance  
24    review.



1           A.     Okay.

2           Q.     So Mr. Stapleton gave you an  
3     excellent rating; right?

4           A.     The summary rating, yes, is  
5     excellent.

6           Q.     Who is Mr. Morin?

7           A.     Morin was the reviewing official.  
8     He was the ASIC, the Acting Special Agent in  
9     Charge for our branch.

10          Q.     So he would have had to sign off  
11     on this as well?

12          A.     Yes, he did.

13          Q.     Let's turn to the next page of  
14     it, and these are the critical elements of your  
15     position.

16                     Do you see that?

17          A.     Yes.

18          Q.     So these elements where you  
19     received an "outstanding," five "excellents," a  
20     "successful," and a "minimally successful,"  
21     those were completed by Mr. Stapleton, is that  
22     right?

23          A.     That's -- usually I didn't  
24     witness him doing it, but that's usually how it

1 goes. The person that is the direct supervisor  
2 fills this out and then the reviewing official  
3 signs it.

4 Q. Okay.

5 A. That is my understanding, yes.

6 Q. You met with Mr. Stapleton to  
7 discuss this performance evaluation; right?

8 A. Yes.

9 Q. So it's your understanding that  
10 he's the one that assigned these values?

11 A. Yes.

12 Q. Do you think -- I'm sorry.  
13 Turn the page to the next page and there is a  
14 narrative section giving comments about various  
15 areas of performance.

16 Do you see that?

17 A. Yes.

18 Q. Who do you believe wrote this  
19 evaluation or these comments?

20 A. As far as I know with protocol,  
21 it should have been Stapleton.

22 Q. Do you have any reason to believe  
23 it wasn't Stapleton?

24 A. No.

1           Q.     What I see on here are some very  
2     positive comments.

3                     SIS Boughton is highly skilled.  
4     You sought out opportunities for training, you  
5     excelled at providing professional service.

6                     Would you consider those to be  
7     positive remarks about your performance?

8           A.     (No response.)

9           Q.     I think we lost your audio.

10          A.     Are you able to hear me?

11          Q.     There we go. You are back.

12          A.     It had a weird thing. It was  
13     like muffled.

14          Q.     Yes.

15          A.     I'm sorry, could you repeat that?

16          Q.     Sure. I am looking at the  
17     narrative portion of your performance review.  
18     And what I see, I see comments like, highly  
19     skilled, sought out opportunities, excelled,  
20     entrusted, excellent.

21                     Do you consider those to be  
22     positive comments about you?

23          A.     Yes.

24          Q.     Then I'm going to go ahead and

1 look at what we have already marked as  
2 Exhibit 2. And that's 1189.

3 A. Wait a minute. Now, you are  
4 going off of the performance review?

5 Q. Yes.

6 A. I just want to clarify. The  
7 words that you said, specifically read, those I  
8 do consider positive.

9 Q. Okay.

10 A. But there were negative ones  
11 included on here also. You just did not itemize  
12 those words.

13 Q. Okay.

14 A. So just to clarify.

15 Q. We can do that. They are harder  
16 to find because there are less of them.

17 Looks like what I see as a  
18 potential negative comment comes on the next  
19 page in the area of supervising.

20 Is that what you are referring  
21 to?

22 A. I'm referring to the supervising  
23 category, and also the relating with others, and  
24 providing professional service has negative

1 language in it.

2 Q. Let's start with relating with  
3 others.

4 I see that you excelled, case  
5 agent's comments is favorably, and Boughton  
6 should work towards more positive interactions  
7 with supervised staff and avoid making critical  
8 remarks about one subordinate to another  
9 subordinate.

10 Is that accurate?

11 A. That's the part that I am  
12 referring to, yes.

13 Q. So you would consider that to be  
14 a negative evaluation?

15 A. A negative and, yes, and unfair.  
16 Yes.

17 Q. So you do not believe that you  
18 had any area that you needed to improve on with  
19 relating with others in providing professional  
20 services?

21 A. That is not what I said.

22 Q. Okay.

23 A. But they were not the areas that  
24 I would have selected.

1           Q.     So you do not believe that this  
2 accurately reflects your performance in the  
3 relating with others category?

4           A.     Not in its entirety, no.

5           Q.     Okay.

6           A.     I believe he based his opinion  
7 on, especially the last sentence on here where  
8 he is going through on hearsay from the team,  
9 and he is supposed to be evaluating me.

10          Q.     What I'm having trouble with is,  
11 this category is relating with others, and how  
12 is he supposed to evaluate how you relate with  
13 others if he doesn't ask your subordinates how  
14 you relate with them?

15          A.     So he picked one particular  
16 instance and I would refer him to one here, and  
17 he even spoke of it during my verbal review  
18 going over that.

19          Q.     Okay, I appreciate that, but what  
20 I'm asking is, how is a supervisor supposed to  
21 fairly evaluate an employee on their ability to  
22 relate with others without speaking to that  
23 employee's subordinates?

24          A.     I didn't say that he couldn't

1 talk to the subordinates, but he needs to take  
2 what they say and overall assess. And he took  
3 one particular instance from an employee and  
4 focused on it.

5 Q. How do you know that?

6 A. Because he said it verbally to  
7 me.

8 Q. What I'm seeing here is that he  
9 offered a whole paragraph of a response and you  
10 are telling me that that paragraph is not  
11 accurate because he should not have listened to  
12 what your subordinates communicated about you?

13 A. I specified in the last sentence.

14 Q. Okay.

15 A. I was more concerned with the  
16 supervising category.

17 Q. Let's finish this one first, so  
18 we don't muddy things up. "Should work toward  
19 more positive interactions with supervised  
20 staff."

21 How is Mr. Stapleton to know  
22 about your interactions with supervised staff if  
23 he doesn't speak with the supervised staff?

24 A. I just said a second ago that he

1       should talk to them, it's fine to talk to them,  
2       but he made everything as a summary and not one  
3       particular instance.

4               Q.     How do you know that he didn't do  
5       that?

6               A.     Because the sentence that he  
7       wrote is referring to one particular instance.

8               Q.     How do you know that?

9               A.     Because he discussed it with me  
10      verbally in the meeting for this part.

11              Q.     Could there have been more  
12      instances that he did not discuss with you  
13      verbally?

14              A.     He did not discuss with me  
15      verbally.

16              Q.     I'm asking you --

17              A.     He thought that there were. I  
18      did not experience any others.

19              Q.     But you don't know what he knew  
20      from speaking to your subordinates, do you?

21              A.     I was not part of those  
22      conversations, no.

23              Q.     Then you wanted to move on to  
24      supervising, which is on the last page, and you



1 do not believe this was a fair assessment?

2 A. I do not believe it was a  
3 positive assessment, no.

4 Q. Do you believe it was a fair  
5 assessment?

6 A. No.

7 Q. How do you believe that Mr.  
8 Stapleton arrived at these conclusions?

9 A. What he told me was, he said that  
10 he looked at his notes and then experiences and  
11 he talked to other people that I was working  
12 under when I was on special projects in the  
13 office. Because from the point of my six-month  
14 review to the point of this, I was only  
15 supervising in a supervisory capacity in my  
16 position for less than 30 days.

17 Q. I don't remember what I asked you  
18 but I don't believe that answered the question.

19 A. Okay.

20 MS. CASTRO: I'm going to ask if  
21 Pam will read back what the question  
22 was.

23 (At this time, the  
24 reporter read back the

1 requested portion of the  
2 testimony.)

3 BY MS. CASTRO:

4 Q. How do you believe Mr. Stapleton  
5 arrived at the conclusions in this supervising  
6 paragraph?

7 A. He told me that he got to the  
8 categories, all of the write-ups for my card  
9 from what he had and from the people that I was  
10 temporarily assigned to in the office. That's  
11 all that I know that he gathered his information  
12 from.

13 Q. Then I would like you to go ahead  
14 and look at what we've marked as Exhibit 2.  
15 It's labeled under the Bates Number 1189. I  
16 think you have it open.

17 A. Okay.

18 Q. What I have here in front of me  
19 are several e-mails between Mr. Stapleton and  
20 Lisa Bustamante and Elaine Doll.

21 Is that what you have?

22 A. Yes.

23 Q. What I see in these e-mails are  
24 requests from Mr. Stapleton to these two

1 individuals asking for feedback on your  
2 performance review, is that right?

3 A. Yes. That's what it appeared to  
4 me also.

5 Q. So then it wasn't just Mr.  
6 Stapleton contributing to that performance  
7 evaluation in 2015, was it?

8 A. No. What I referenced. The  
9 other supervisors that I was assigned under  
10 during my temporary scheduled program.

11 Q. Those supervisors were Elaine  
12 Doll and Lisa Bustamante?

13 A. Yes.

14 Q. And I'm taking it they are both  
15 females based on their names, is that right?

16 A. Yes.

17 Q. Do you have any reason to believe  
18 that Ms. Doll or Ms. Bustamante would lie on a  
19 performance evaluation?

20 A. No.

21 Q. Do you have any reason to believe  
22 that Ms. Doll and Ms. Bustamante wouldn't be  
23 fair in a performance evaluation?

24 A. No.

1 Q. Okay. You can set that aside and  
2 I'll grab of other ones here. Let's go to 1326.

3 MS. CASTRO: We are going to mark  
4 this as Defendant's Exhibit 4.

5 THE COURT REPORTER: This will be  
6 Defendant's Exhibit 4.

7 (At which time,  
8 Defendant's Exhibit No. 4  
9 was marked for  
10 identification.)

11 BY MS. CASTRO:

12 Q. Why don't you take a look and  
13 just get familiar with it?

14 And what I see here is an e-mail  
15 from Ms. Doll to Mr. Stapleton and it is  
16 discussing some of the examples of the project  
17 you worked on.

18 I see that this says your overall  
19 summary rating -- when I referred to "your," we  
20 are talking about Mr. Stapleton's overall  
21 summary rating seems very valid and it is  
22 favorable while offering some honest points on  
23 areas for improvement.

24 Do you see that?

1 A. Yes.

2 Q. Do you have any reason to  
3 question Ms. Doll's judgment in making that  
4 statement?

5 A. No.

6 Q. So then it also seems that this  
7 e-mail indicates that Ms. Doll provided feedback  
8 to contribute to your evaluation, is that right?

9 A. That is my understanding, yes.

10 Q. It sounds like she thinks pretty  
11 highly of you. You have been "pleasant,  
12 professional, and responsive," is that right?

13 A. It appears, yes.

14 Q. How was your working relationship  
15 with Ms. Doll?

16 A. I thought it was fine. She was a  
17 good supervisor, I mean, what I experienced of  
18 her. And I was only temporarily under her, but  
19 she was very nice and answered questions, helped  
20 me.

21 Q. Great. Then I want you to turn  
22 to 515.

23 MS. CASTRO: We are going to mark  
24 this as Exhibit 5.

1 MS. NEWMAN: What was the number?

2 MS. CASTRO: 515.

3 MS. NEWMAN: Thank you.

4 THE COURT REPORTER: This will be  
5 Defendant's Exhibit No. 5.

6 (At which time,  
7 Defendant's Exhibit No. 5  
8 was marked for  
9 identification.)

10 THE WITNESS: Sorry. I'm still  
11 having trouble finding it.

12 MS. CASTRO: Take your time.

13 MS. NEWMAN: I don't have a 515,  
14 I have a 550. So maybe that is what  
15 you said all along.

16 MS. CASTRO: Let's see. Well,  
17 maybe I didn't copy it correctly  
18 because our law clerk can't find it  
19 either. Sorry about that.

20 THE WITNESS: I don't feel as bad  
21 then.

22 BY MS. CASTRO:

23 Q. So I am just going to ask you,  
24 what I have are some notes that Mr. Stapleton

1       took talking about your performance evaluation,  
2       and it is a verbal feedback he gave you and what  
3       he says is that Ms. Doll sat in on a meeting  
4       with you, is that correct?

5               A.     Yes.

6               Q.     So she would be able to corroborate  
7       anything that happened in the meeting on your  
8       performance evaluation, is that right?

9               A.     It should be, yes.

10              Q.     Okay.  What Mr. Stapleton  
11     described -- I am sorry.  What Mr. Stapleton  
12     says he based his rating on was his own  
13     observations, input from Lisa Bustamante, input  
14     from Elaine Doll and review of the employee  
15     assessment reports that you provided.

16                     Does that sound correct?

17              A.     Yes.

18              Q.     Do you have any reason to believe  
19     that Mr. Stapleton based his review on anything  
20     else?

21              A.     Not that I would know of.

22              Q.     Do you have any reason to  
23     question that Mr. Stapleton didn't answer any  
24     questions you had during that meeting?

1                   A.     I'm sorry.    You said that I felt  
2     that he didn't answer any questions that I had?

3                   Q.     Did you feel the opportunity to  
4     be heard at the meeting?

5                   A.     Heard?

6                   Q.     Did you feel that you had the  
7     opportunity to be heard, that you could make  
8     comments and you could raise questions with Mr.  
9     Stapleton?

10                  A.     I actually, it was kind of  
11     contentious that the meeting occurred with an  
12     individual that I did not consent to.   That was  
13     not part of the program either.

14                  Q.     So you would have preferred that  
15     the meeting was just held with you and Mr.  
16     Stapleton?

17                  A.     Or with a former supervisor from  
18     the program, or someone with program knowledge,  
19     yes.

20                  Q.     Even though Ms. Doll was the one  
21     that was giving you your assignments at the  
22     time?

23                  A.     Yes.

24                  Q.     You felt that that meeting was



1       contentious?

2               A.     Maybe contentious was a bad word.  
3       It made me feel ill at ease, just because I  
4       wasn't expecting other individuals outside of  
5       the program.

6               Q.     Did you ask that Mr. Doll lead  
7       the meeting?

8               A.     No, but I did say I did not feel  
9       comfortable with someone that was not in the  
10      program being in the meeting.

11              Q.     Were you informed in advance that  
12      Ms. Doll would be in on that meeting?

13              A.     He had sent an e-mail that she  
14      would be available, and he had sent something  
15      similar before if I wanted a witness at a  
16      meeting with him. And it was similarly worded,  
17      so I just thought that if I wanted, all I had to  
18      say was yes, I wanted her there.

19              Q.     Okay. I would like for you to  
20      open up 569.

21                      THE COURT REPORTER: This will be  
22                      Defendant's Exhibit No. 6.

23                      MS. CASTRO: Yes.

24                              (At which time,

1 Defendant's Exhibit No. 6  
2 was marked for  
3 identification.)

4 BY MS. CASTRO:

5 Q. Now what I have in front of me is  
6 an e-mail of October 27, 2015.

7 Is that what you have?

8 A. Yes, and that's what I just  
9 referred to.

10 Q. So when I see this e-mail, it  
11 looks like the day before your evaluation, Mr.  
12 Stapleton made you aware that "Elaine has  
13 already indicated she is available at that time  
14 to sit in with us," is that correct?

15 A. Yes.

16 Q. And you responded, "Herb, 8:30  
17 a.m. tomorrow morning works for me," is that  
18 right?

19 A. Yes.

20 Q. So you were aware that Elaine was  
21 going to be sitting in on that?

22 A. That's not what I said and that's  
23 not what I inferred from what he said. He sent  
24 that e-mail, but he also sent something similar

1 prior whenever we had a meeting because he  
2 stated that he could not meet with me on his own  
3 anymore earlier on.

4 Q. What I'm asking you is, you were  
5 aware that Ms. Doll was going to be present at  
6 that meeting, is that right?

7 A. No. No. My impression from this  
8 e-mail based on other e-mails that he sent  
9 similarly was that she was available if I wanted  
10 her in the meeting.

11 Q. So you do not believe based on  
12 this e-mail that Ms. Doll would be sitting in  
13 with you?

14 A. No.

15 Q. Okay, all right. I'm going turn  
16 to some other documents and I would like for you  
17 to open 1124.

18 (At which time,  
19 Defendant's Exhibit No. 7  
20 was marked for  
21 identification.)

22 MS. NEWMAN: Is this Exhibit 5,  
23 515?

24 MS. CASTRO: Five, I'm going to

1 provide to you.

2 THE COURT REPORTER: I don't have  
3 it marked yet.

4 MS. CASTRO: Yes. I'm going to  
5 make a copy at a break and e-mail 5 to  
6 you.

7 MS. NEWMAN: Because that was  
8 like a theme?

9 MS. CASTRO: Right.

10 MS. NEWMAN: Okay. I just want  
11 to make sure I'm keeping track.

12 MS. CASTRO: Yes. We are on 7  
13 now.

14 MS. NEWMAN: Okay. Can you say  
15 again that Bates Number?

16 MS. CASTRO: Sure. 1124.

17 MS. NEWMAN: Okay. Thank you.

18 BY MS. CASTRO:

19 Q. Whenever you are ready, Ms.  
20 Boughton I'll be ready.

21 A. Okay. I am having trouble  
22 getting to open that. I got it.

23 Q. Go ahead, if you don't mind, and  
24 also open up 1149 and 1152.

1 A. Okay.

2 Q. And then were you able to get  
3 1152?

4 A. 1149, 1152, and 1124.

5 Q. Yes.

6 A. Yes.

7 MS. CASTRO: And we will mark  
8 those as Exhibits 8 and 9.

9 (At which time,  
10 Defendant's Exhibit Nos.  
11 8 and 9 were marked for  
12 identification.)

13 THE COURT REPORTER: This will be  
14 Defendant's Exhibit Nos. 8 and 9.

15 BY MS. CASTRO:

16 Q. Are you ready to go? Okay.  
17 So what I have in front of me as Exhibits 7, 8,  
18 and 9 are e-mails that were exchanged on  
19 August 28, 29th and 31st.

20 Is that what you have?

21 A. Yes.

22 Q. These e-mails, it looks as if you  
23 were requesting some training, is that correct?

24 A. Yes.

1           Q.     What I see looking at 1149 is  
2     that you requested the training on August 28th,  
3     is that right?

4           A.     Yes.

5           Q.     And it looks like Mr. Stapleton  
6     responded on Saturday, August 29th. So one day  
7     later?

8           A.     Yes.

9           Q.     And forwarded the request to  
10    Elaine for her awareness?

11          A.     That's what he said he did, yes.

12          Q.     "We'll discuss and make an  
13    approval decision in advance of the deadline,"  
14    is that right?

15          A.     That's what it says, yes.

16          Q.     I'm assuming that when he said we  
17    will discuss, he's talking about himself and Ms.  
18    Doll, is that right?

19          A.     That's what I assumed from this,  
20    yes.

21          Q.     Why would he discuss that with  
22    Ms. Doll?

23          A.     Because she had me working on  
24    projects. He was the one that I was assigned to

1 work on projects for her, and some of them were  
2 case sensitive, and time sensitive also.

3 Q. So her input would have been  
4 important in determining whether or not you  
5 should attend that training?

6 A. I don't think to the relevancy of  
7 the training, but I think if my body was able to  
8 be missing from her work detail.

9 Q. So your availability?

10 A. Yes. Thank you.

11 Q. Okay.

12 A. Yes. That is a better word.

13 Q. And I think maybe then 1152,  
14 which we've marked as Exhibit No. 9, probably  
15 goes towards that.

16 It is an e-mail from Ms. Doll to  
17 Mr. Stapleton. Do you see that?

18 A. Yes.

19 Q. What I see is that on the  
20 following Monday, Ms. Doll responded that when  
21 someone is on TDY, their ability to go on  
22 additional training is somewhat curtailed, is  
23 that true?

24 A. Yes.

1 Q. Why?

2 A. You are assigned to something if  
3 you are set on the TDY, then, that's what your  
4 assignment is for that temporary duty. It also  
5 impacts like if you could take leave. They  
6 don't allow you to take extended vacation on  
7 TDY. I mean, I don't make up the rules. I just  
8 remember that rule from headquarters of TDY.

9 Q. So that sounds like it was a fair  
10 statement that Ms. Doll made?

11 A. It appears that she was following  
12 policy, yes.

13 Q. And it says that the course is  
14 being held the week of the planned PC op for  
15 17/9.

16 Now, you are going to have to  
17 tell me what that was, if you remember.

18 A. I don't know what that was.

19 Q. But she continues to say, we will  
20 need as much help as possible, is that right?

21 A. That's what it says, yes.

22 Q. Do you have any recollection of  
23 what was going on at that time?

24 A. I don't even -- I don't even



1 recall. I don't even know if I knew what the PC  
2 op was or if I even alerted to what it was. It  
3 might not have applied to anything I was working  
4 on.

5 Q. What is a PC op?

6 A. I don't know.

7 Q. You don't know, okay.

8 A. Public corruption.

9 Q. Okay.

10 A. That is what I learned.

11 Q. What is op?

12 A. Operation.

13 Q. What does 17/9 mean?

14 A. I have no idea.

15 Q. Some of these acronyms can be  
16 difficult so I figured you knew it better than  
17 me. But what I took from this is here, she  
18 basically says, we will need as much help as  
19 possible, is that right?

20 A. That's what it says, yes.

21 Q. Do you have reason to doubt or  
22 question Ms. Doll's, what she said here was  
23 legitimate or was really happening?

24 A. I don't doubt. I do not doubt.

1 Q. Okay, thank you. Then I'm going  
2 to ask you to go ahead and open up 1175.

3 A. That's a different one?

4 Q. That is a different one, yes.

5 A. Okay.

6 MS. CASTRO: We are going to wait  
7 for the court reporter to mark it as  
8 Exhibit 10.

9 THE COURT REPORTER: This will be  
10 Defendant's Exhibit No. 10.

11 (At which time,  
12 Defendant's Exhibit No. 10  
13 was marked for  
14 identification.)

15 BY MS. CASTRO:

16 Q. So Ms. Boughton, what I have here  
17 in front of me is another e-mail from Mr.  
18 Stapleton to Mr. Morin with Ms. Doll CC'd on  
19 September 1st.

20 Do you have that, too?

21 A. Yes.

22 Q. And if we scroll down to the next  
23 page, we can see that Mr. Stapleton e-mails Mr.  
24 Morin, who I think is his supervisor, is that

1 right?

2 A. Correct.

3 Q. And asked him to make a decision  
4 about this training. "I need to make a call on  
5 this prior to the deadline."

6 Do you see that?

7 A. You mean -- I'm sorry.

8 Q. Sure. The e-mail of Tuesday,  
9 September 1st from Mr. Stapleton.

10 A. Yes.

11 Q. It looks like Mr. Stapleton then  
12 consulted with Mr. Morin about the training?

13 A. Yes. Yes. I'm there.

14 Q. Okay.

15 A. Yes.

16 Q. Does that sound like -- and  
17 Mr. Morin is Mr. Stapleton's supervisor,  
18 correct?

19 A. Correct.

20 Q. Would that be something that  
21 would normally happen that he would request  
22 information from a supervisor about this?

23 A. It could happen.

24 Q. And it looks like the concerns he

1 articulated in this e-mail were operational  
2 concerns raised by Elaine, is that right?

3 A. Yes.

4 Q. And he also cites a limited  
5 benefit to our division, is that right?

6 A. Yes.

7 Q. So it looks like at minimum, we  
8 are aware of three people having been involved  
9 in the decision as to whether you would go on  
10 this training, is that right?

11 A. It appears that's what the e-mail  
12 says, yes.

13 Q. All right. You can set that one  
14 aside now, and I'm going to have you open 812  
15 and 833.

16 MS. CASTRO: We are going to mark  
17 Exhibits 11 and 12.

18 THE COURT REPORTER: This will be  
19 Defendant's Exhibit Nos. 11, and 12.

20 (At which time,  
21 Defendant's Exhibit Nos.  
22 11 and 12 were marked for  
23 identification.)

24 THE WITNESS: Okay.

1 BY MS. CASTRO:

2 Q. So what I have marked as  
3 Exhibit 11 is an e-mail between you and Mr.  
4 Stapleton of July 16, 2015.

5 A. Yes.

6 Q. And then I've marked as  
7 Exhibit 12 an e-mail of July 20, 2015.

8 Is that what you have in front of  
9 you?

10 A. I think I inverted your numbers.  
11 I have the 12 to be the 16th, then 833 to be the  
12 20th of July.

13 Q. We are on the same page, yes.

14 A. Okay.

15 Q. Let's focus on the one of the  
16 16th of July first. This was regarding your use  
17 of -- tell me how to pronounce this, bucar?

18 A. Bucar.

19 Q. What was the bucar?

20 A. It was an assigned bureau  
21 vehicle.

22 Q. And is that something that is  
23 used only on professional time or is it  
24 something that is taken home?

1 Can you describe that for me?

2 A. It is a take-home vehicle for  
3 certain operations of Special Agents and  
4 other -- and I think certain supervisors that  
5 are nonagent also in the office are assigned  
6 Work-to-Home vehicles.

7 Q. Okay.

8 A. And all of the SSG is a work from  
9 home on operations.

10 Q. When you say, "operations," what  
11 are you referring to?

12 A. Our daily work.

13 Q. So you, as a supervisor, had of  
14 bucar; is that right?

15 A. I did, I did.

16 Q. Are you aware as a supervisor of  
17 what the Home-to-Work policy was?

18 A. Yes. It was our published  
19 policy.

20 Q. Where would I find that?

21 A. It was actually attached to one  
22 of the EEOs.

23 Q. I mean, if you were an employee  
24 of the FBI and I were trying to find that, where

1 would I find that policy?

2 A. Well, I can't speak for the past  
3 five years because I have not be assessing any  
4 bureau computers.

5 Q. Right.

6 A. But at the time, and from most of  
7 the time that I was in the FBI, there was  
8 something called the Intranet. It's like an  
9 internal system, and you could do a little  
10 internal search and you could find any policy to  
11 read about, as long as it was open to public.

12 When I say "open to public," open  
13 to employees, to all employees. Everybody had  
14 the same access to all these.

15 Q. So mine is contained in something  
16 called the U.S. Attorneys Manual.

17 Was yours contained in something  
18 called the FBI Manual or?

19 A. It had its own little separate  
20 manual with its own cover page. But each thing  
21 they published there, like was either like a  
22 time and attendance one, or if you want to take  
23 certain leave for H.R. questions. There was  
24 also a policy for vehicles.

1 Q. As a supervisor, I presume you  
2 had to be fairly familiar with those policies,  
3 is that right?

4 A. Yes.

5 Q. Do you believe you were familiar  
6 with those policies?

7 A. Generally, yes.

8 Q. That includes the policy about  
9 the use of the bucars?

10 A. Yes.

11 Q. This Home-to-Work, I think is  
12 what it is called, right, Home-to-Work  
13 transportation?

14 A. Something like that, yes.

15 Q. What does that mean?

16 A. It just means you have privileges  
17 of the use of this bureau vehicle to drive from  
18 work to home, and from home to work. So you get  
19 to go in with the car and back with the car.

20 Q. Turning to the e-mail that you  
21 have in front of you, it looks like your bucar  
22 was not authorized for the Home-to-Work program,  
23 is that right?

24 A. According to this, yes.



1           Q.     And the reason it's given is, the  
2     Home-to-Work Transportation is not essential for  
3     the safe and efficient performance of  
4     intelligence, counterintelligence, protective  
5     services, or criminal law enforcement duties.

6           A.     And that was their determination,  
7     that it is not essential. Essential is the word  
8     that they determined, yes.

9           Q.     Would I find that in the FBI  
10    policy section on the Intranet?

11          A.     I'm sure that that's part of like  
12    a quote from the policy, yes.

13          Q.     I just wanted to make sure that I  
14    understood that, thank you. Then let's turn to  
15    833.

16                 What I see, this is an e-mail of  
17    Monday, July 20th. Is that what you have in  
18    front of you?

19          A.     Yes.

20          Q.     Because this is an e-mail from  
21    you, can you tell me what this is?

22          A.     This was the EEO person that does  
23    the first, I believe it was the first mediation  
24    of an EEO. It's not the filing. I think it's

1 the initiating of the claim.

2 When you initiate a claim, the  
3 first round, the first person that takes your  
4 statement. I believe that's who Kuchay was.

5 Q. And this writing here, this is  
6 something that you composed; right?

7 A. Yes. This is the timeline.

8 Q. I'm looking at the July 15th  
9 entry.

10 So this is something that you  
11 would have written; correct?

12 A. Uh-huh, yes.

13 Q. And it looks like it's a short  
14 description of the e-mail that you received from  
15 Mr. Stapleton about the bucar?

16 A. I think it was primarily about my  
17 rating, but it does mention the bucar, yes.

18 Q. So it sounds like you realized,  
19 or that Mr. Stapleton had cited the bucar policy  
20 when he discussed the removal of the bucar from  
21 your possession, is that right?

22 A. He had highlighted part of the  
23 original bucar policy, yes.

24 Q. Do you have any reason to doubt

1       that that policy was what he had -- that the  
2       policy that he presented was the correct policy?

3               A.     I don't know, no. No, sorry. It  
4       means I don't know. No, I don't have any  
5       reason.

6               Q.     This is written in your own  
7       words?

8               A.     This was my writing, yes.

9               Q.     Okay. We can set this aside for  
10       now then. I'm going to have you then pull up  
11       788.

12              A.     I'm sorry. What was that number  
13       one more time?

14              Q.     Sure. 788.

15              A.     Okay.

16              Q.     Why don't you go ahead and pull  
17       up 796 as well?

18              A.     Okay.

19              Q.     And 824.

20                     MS. CASTRO: And we'll mark all  
21       of these as 13, 14, and 15.

22                     THE COURT REPORTER: This will be  
23       Defendant's Exhibit Nos. 13, 14, and  
24       15.

1 (At which time,  
2 Defendant's Exhibit Nos.  
3 13, 14 and 15 were marked  
4 for identification.)

5 THE WITNESS: What was the last  
6 one, 924 or 824?

7 BY MS. CASTRO:

8 Q. 824.

9 A. Sorry.

10 Q. This is not the ideal way to do  
11 things.

12 A. Yes.

13 Q. It's much easier in person.

14 A. Okay. Okay. I believe I have  
15 all of them now.

16 Q. I'm going to be a real pain. Go  
17 ahead and do 971, too. Thanks.

18 A. Okay.

19 MS. CASTRO: And we'll mark that  
20 as Exhibit 16.

21 THE COURT REPORTER: This will be  
22 Exhibit 16.

23 (At which time,  
24 Defendant's Exhibit No. 16

1                               was marked for  
2                               identification.)

3                   MS. CASTRO:   And I see that it's  
4                   12:15, so...

5                   THE COURT REPORTER:   Well, maybe  
6                   1:00-ish.

7                   MS. CASTRO:   I don't know if you  
8                   can guys can hear Pam or not, but do  
9                   you want to go until about 1:00-ish?  
10                  We will find a natural breaking point  
11                  sometime between now and then.   We  
12                  will take maybe a half hour.

13                  THE WITNESS:   Sure.

14                  MS. CASTRO:   Okay.

15                  MS. NEWMAN:   That's okay.

16       BY MS. CASTRO:

17                  Q.    I'll turn to 788, which we've  
18                  marked as Exhibit 13.   What I have is Tuesday,  
19                  July 14th, an e-mail between Ms. Bustamante and  
20                  Mr. Stapleton.

21                  Is that what you have?

22                  A.    Yes.

23                  Q.    What I see here, this is about  
24                  your assignment to special projects?

1 A. Yes.

2 Q. And I see that there had been  
3 some discussion as to what your current status  
4 was, and whether your pay would be impacted by  
5 your assignment.

6 A. Yes. I see that.

7 Q. In this email, there is  
8 referenced, HRD slash PAU UC, James Judd.

9 Who is that?

10 A. I have no idea.

11 Q. Do you know what any of those  
12 acronyms mean?

13 A. Human Resources Department,  
14 Performance Award and something unit, I think is  
15 what that stands for. I don't know the  
16 individual, who it is.

17 Q. So in all likelihood, this was an  
18 H.R. employee?

19 A. Looks like it, yes.

20 Q. That employee advised Ms.  
21 Bustamante you will be assigned special projects  
22 but your pay will not be impacted, right?

23 A. That's what it says.

24 Q. Was your pay impacted?

1           A.     My base pay was not impacted.     My  
2     overall pay was impacted.

3           Q.     Your base pay was not impacted?

4           A.     Base pay, not impacted.

5           Q.     Was your locality pay impacted?

6           A.     No.

7           Q.     How was your pay impacted?

8           A.     Regularly, we worked a variable  
9     schedule and a night differential included in  
10    it.    There was an opportunity for overtime.  
11    There was an opportunity for comp time.

12          Q.     So your schedule changed?

13          A.     Drastically, yes.

14          Q.     But your base pay did not?

15          A.     My base pay, locality pay did not  
16    change.

17          Q.     Okay.    Let's turn to 796, which  
18    I've marked as 14.    And I see this is an e-mail  
19    from Mr. Morin to Mr. Stapleton?

20          A.     Yes.

21          Q.     What I see is that Mr. Morin is  
22    instructing Mr. Stapleton, or Ms. Bustamante to  
23    make sure that, "Jen," I'm assuming that's you,  
24    "is fully assigned," is that right?

1 A. Yes.

2 Q. What does fully assigned mean?

3 A. I don't know. It wasn't my  
4 phrase. I don't know.

5 Q. I didn't know if it was an FBI  
6 specific thing. "If projects" --

7 A. Not to my knowledge.

8 Q. "If projects get light,  
9 considered jailhouse calls, transcriptions,  
10 T-III's, and whatever else needs to be done."

11 I take this to mean that they  
12 were finding projects for you to do, is that  
13 right?

14 A. It looks that way.

15 Q. Were they?

16 A. I would get assigned things, yes.

17 Q. You had work to do?

18 A. Yes. I also found additional  
19 things to do, like online training, there were a  
20 number of online trainings to do. So in between  
21 projects, I would do online trainings.

22 Q. Sounds like you were trying to  
23 make the best of the situation?

24 A. I don't like being idle. I like



1       being paid to work, I went to work.

2                   Q.     You are not going to be idle very  
3       soon, I take it, right?

4                   A.     For what?

5                   Q.     For your new -- well, not your  
6       new, but your position that will be starting  
7       soon as a teacher?

8                   A.     Oh, yes.

9                   Q.     No idle hands there.

10                  A.     There never are, even in the  
11       summer.

12                  Q.     You know, that raises a fair  
13       point.

14                           What was your background in; your  
15       educational background?

16                  A.     My educational background, like  
17       degrees in college?

18                  Q.     Sure.

19                  A.     In college, I have a degree, a  
20       bachelor degree in physics education and a  
21       degree in physics. And then I have a master's  
22       degree in curriculum and instruction.

23                  Q.     What are you teaching now?

24                  A.     Physical sciences, physics, and

1 math.

2 Q. What grades, just out of  
3 curiosity?

4 A. High school.

5 Q. Oh, wow. So you have got a tall  
6 order on your hands coming up?

7 A. It's interesting. It changes  
8 every day.

9 Q. Right, right. So you said you  
10 had, it sounds like a math and science  
11 background or math and physics background.

12 Did that at all tie into your  
13 work at the FBI?

14 A. No. Not until actually, probably  
15 the special projects time period. And you will  
16 see one of the e-mails that I approach Lisa  
17 Bustamante with a list of things that I thought  
18 maybe I could contribute with.

19 And I had computer programming at  
20 one point so maybe I could follow the project.  
21 I was going more for helping with web pages.  
22 And they had me work with the computer science  
23 person, but it was fine.

24 Q. Okay. Well, I'll turn then to

1 971, which is the e-mail you are referring to?

2 A. Okay.

3 Q. We've marked it as Exhibit 16.

4 A. Yes. That is the e-mail I was  
5 referring to.

6 Q. It sounds like also, beyond your  
7 useful background, Mr. Morin thought it would be  
8 helpful because somebody was going on maternity  
9 leave, is that right?

10 A. I had no idea about any of those  
11 things, so I don't know. I was stationed  
12 outside of the office at an offsite primarily.  
13 So when I would run into the office, I did not  
14 know the situation or a lot of people's  
15 situations in the office. So I can't speak to  
16 that, whatever.

17 Q. When I see this e-mail, it looks  
18 like one of the considerations that was involved  
19 was that you expressed interest in a certain  
20 type of work because of your background, is that  
21 right?

22 A. Yes. I felt I could contribute.

23 Q. And also that, at least Mr. Morin  
24 felt like that would be helpful to assist with

1       somebody's maternity leave coming up; is that  
2       right?

3               A.     That's what it says, yes.

4               Q.     Do you believe that you provided  
5       helpful work during the time when you were  
6       assigned in Special Assignments?

7               A.     I would like to think that I did,  
8       because I tried to work very hard, but I have no  
9       idea because I didn't get to see the fruition of  
10      it at the end.

11              Q.     But you continued to work at the  
12      level of professionalism that you had always had  
13      throughout your time there?

14              A.     Yes.   I maintained the same  
15      level.

16              Q.     And you felt like some of the  
17      skills that you had were applicable to some of  
18      the work that you could be doing?

19              A.     I could be doing, is that the  
20      last part?

21              Q.     Yes.   Just with your background,  
22      you had offered that you could be useful for  
23      certain types of projects?

24              A.     Yes.

1 Q. And then I want to turn to 824,  
2 which we've marked as Exhibit 15.

3 A. Okay.

4 Q. I see that it's an e-mail of  
5 Friday, July 17th?

6 A. Yes.

7 Q. What I see in this is again a  
8 reassurance that the employee, referring to you,  
9 is still employed in the position of Supervisory  
10 Investigative Specialist?

11 A. Yes.

12 Q. So that was still your title  
13 while you were doing special projects, is that  
14 right?

15 A. Yes. Yes.

16 Q. And going on, it says, "she,"  
17 referring to you, "retained her job title and  
18 her pay grade," is that correct?

19 A. Yes.

20 Q. You can set that aside now, and  
21 we will move on to something else. I have in  
22 front of me your pay information for various  
23 years.

24 We could enter this in, but do

1       you have any reason to doubt the information  
2       that's contained in your personnel records?

3               A.     Such as the SF50's, is that  
4       the --

5               Q.     Yes.

6               A.     At the top?

7               Q.     Right.

8               A.     They're usually -- they're  
9       generally pretty accurate.

10              Q.     Then I won't go through the  
11       trouble of introducing these.   Okay.

12                     I want to talk a little bit about  
13       the OPR investigation.   Who conducted that  
14       investigation?

15              A.     Inspection Division at  
16       headquarters.

17              Q.     When you say "headquarters," for  
18       those of us that are not familiar, are you  
19       referring to headquarters in Cincinnati or  
20       headquarters in...

21              A.     Washington, D.C.

22              Q.     Okay.   Do you recall the name of  
23       the individual that conducted that  
24       investigation?

1           A.     Well, there were two people that  
2     did the interviews, and the preliminary, I  
3     believe and then the overall summary, all of the  
4     evidence was done by William Trencher.

5           Q.     Why don't I have you take a look  
6     at this.    It's 1331.

7           MS. CASTRO:   And we'll mark that  
8     as Exhibit 17.

9           THE COURT REPORTER:   This will be  
10    Exhibit 17.

11                               (At which time,  
12                               Defendant's Exhibit No. 17  
13                               was marked for  
14                               identification.)

15    BY MS. CASTRO:

16           Q.     So we've marked this as  
17     Exhibit 17.

18                               What I have is an e-mail of  
19     October 20, 2015.   Is that what you have?

20           A.     I have an string of e-mails.  
21     Yes.

22           Q.     Okay.

23           A.     October 20th is the first one.

24           Q.     It looks like if you scroll down,

1 attached to that is a memorandum?

2 A. Yes.

3 Q. All right. We have the same  
4 thing.

5 This e-mail on October 20th was  
6 sent from SSA Tiffany Baker.

7 What does SSA stand for?

8 A. Supervisory Special Agent.

9 Q. It sounds like she, from this  
10 e-mail, she may have been the one gathering  
11 information, putting together the report?

12 A. I believe she was one of the  
13 interviewers sent from the Inspection Division,  
14 yes.

15 Q. Now, explain to me how the  
16 process of an investigation of this sort works?

17 A. I'm not privy to the other side  
18 of the investigation, how they do it. I just  
19 experienced it from being investigated. So I  
20 was just notified that I was being investigated,  
21 and they just told me categories that I was  
22 being investigated on when they removed me from  
23 my position.

24 It was very vague. And then I



1 was moved to the special projects in the office  
2 and I was told that I would be interviewed  
3 regarding the allegation. Then I was  
4 interviewed, and I had to sign a sworn  
5 statement.

6 Q. So OPR investigations are not  
7 conducted in-house?

8 A. No. They are not supposed to be.  
9 Well, that's not correct. That's not correct.  
10 So apparently, they can be sent to the  
11 Inspection Division, and a lot of times the  
12 Inspection Division does send it back to be  
13 investigated by agents in-house.

14 Q. To your knowledge, was your  
15 investigation completed in-house?

16 A. No, it was supposed to be by the  
17 Inspection Division.

18 Q. You have no reason to believe  
19 that it was anyone but the Inspection Division  
20 that did yours?

21 A. Well, I have a lot of reason to  
22 believe that there was interference by people.

23 Q. I didn't ask about interference.  
24 I asked about who completed the investigation.

1                   And that was done in DC, is that  
2                   right?

3                   A.     They sent two people from DC to  
4                   Cincinnati. So it originated in DC, and then  
5                   they sent them to Cincinnati.

6                   Q.     The individuals that come to  
7                   Cincinnati are not employees of the Cincinnati  
8                   field office, is that right?

9                   A.     Correct, that's correct.

10                  Q.     So the two individuals that came  
11                  for your investigation, do you know who those  
12                  were?

13                  A.     I believe Tiffany Baker was one  
14                  of them. I'm going to say, I'd have to look and  
15                  see who the other person was. It was two  
16                  females.

17                  Q.     When I'm looking at this e-mail  
18                  that we've marked as Exhibit 17, I see that this  
19                  is Ms. Baker forwarding on the report, the  
20                  Notice of Adjudication Report to Ms. Byers.

21                  Do you see that?

22                  A.     Yes.

23                  Q.     Who is Ms. Byers?

24                  A.     She was at the head of the

1 Cincinnati Office, Special Agent in Charge at  
2 the time, yes.

3 Q. In terms of hierarchy, it would  
4 have been Ms. Byers at the top, and then  
5 Mr. Morin, then Mr. Stapleton, and then you, is  
6 that right?

7 A. For our branch, yes.

8 Q. Yes. So Ms. Byers would have  
9 been the highest ranking official in the  
10 Cincinnati field office?

11 A. She made the official decisions  
12 for things that happened in Cincinnati, yes.

13 Q. Did you have much day-to-day  
14 interaction with her?

15 A. No. I don't know that we did  
16 anything more than meet when she came into the  
17 office.

18 Q. So you have not had extensive  
19 conversations with Ms. Byers?

20 A. I believe we had no  
21 conversations.

22 Q. Have you had the opportunity to  
23 form an opinion about her professional ability?

24 A. Yes.

1 Q. And what is that?

2 A. I don't think that she was very  
3 professional and that was from interactions that  
4 I saw in meetings and how she conducted  
5 meetings. And obviously, my experience with  
6 this situation does not bode well in my opinion  
7 on how she handled things.

8 I don't want to quarterback here,  
9 but it looks like she is inserting opinion and  
10 inflection, and I think that's inappropriate and  
11 unprofessional.

12 Q. Show me where, what you are  
13 referring to.

14 A. It's in here in 1331, Angela  
15 Byers to Tiffany Baker. "Tiffany, I understand  
16 that Herb was not able to find the list  
17 questions Jennifer pulled out," but she  
18 certainly searched my office.

19 "Sorry, not trying to quarterback  
20 from here, but I have so much at stake to make  
21 sure OPR understands the situation and  
22 adjudicates appropriately, with no wiggle room  
23 for Jennifer."

24 And I am saying later that they

1       need a strong leader, or a good leader, they  
2       need a good leader. I think that's really  
3       inappropriate to insert whatever her opinion is  
4       into an inspection that's supposed to be  
5       unbiased.

6               Q.     Can you back up and tell me what  
7       pages you were looking at?

8               A.     I'm looking just above the  
9       memorandum that you were referring to in the  
10      same 1331.

11              Q.     Okay.

12              A.     And on page -- sorry, I'm not on  
13      my computer.

14              Q.     Okay.

15              A.     It's on this page.

16              Q.     Okay, on 1332.

17              A.     It says, 1331, it says, Angela  
18      Byers to Tiffany Baker, August 10th, it's an  
19      e-mail right before the memorandum.

20              Q.     Yes. Yes.

21              A.     And I was referencing snippets  
22      right from my e-mail from Angela Byers.

23              Q.     Other than that e-mail, what  
24      other specific instances have you had with Ms.

1 Byers that helped you formulate your opinion  
2 about her professional abilities?

3 A. Just from meetings that I had.  
4 So say we had supervisory meetings. I don't  
5 want to say it doesn't matter what day of the  
6 week, but they were usually once a month and all  
7 supervisors had to attend. And I was expected  
8 to attend, so I would attend them.

9 And I felt like her conducting of  
10 the meetings was not appropriate. Some of the  
11 casualness that she would talk about cases with  
12 was not appropriate either.

13 Q. Can you think of a specific  
14 example?

15 A. I would have to think or go look  
16 through my notes.

17 Q. So is your main criticism of Ms.  
18 Byers then that she was too casual?

19 A. She was casual. I can't think of  
20 an example. She would often joke around, or --  
21 I'm kind of a reserved person. I don't, even  
22 before the pandemic, I'm not a touch type of  
23 person. I'll shake your hand but she would  
24 sometimes inappropriately touch shoulders of

1       some of the male agents, and some of the female  
2       agents, too. But I primarily had seen her do it  
3       twice with male agents.

4               Q.     So touching people's shoulders,  
5       perhaps she was too casual, she joked too much.

6                     Do you have any other examples?

7               A.     In the workplace, yes. In a  
8       workplace in a professional environment, I  
9       thought that was not professional.

10              Q.     Do you recall having heard any  
11       inappropriate jokes made by Ms. Byers?

12              A.     I don't recall any of them, no.

13              Q.     And I guess I would extend that  
14       to any supervisor.

15              A.     Any supervisor in Cincinnati?

16              Q.     Yes.

17              A.     I have already referenced the one  
18       from Stapleton about me being a GS-24. There  
19       was a joke, a running joke, a lot of times with  
20       the supervisors. One of them was one of my  
21       supervisors, Ken Wall that they would keep track  
22       of how many times they had somebody cry in their  
23       office or made them cry in the office as a  
24       supervisor. I thought that was really

1 unprofessional.

2 Q. Can you think of any other times  
3 that supervisors made inappropriate jokes?

4 A. There were times where another  
5 supervisor, Michael Regal, would make jokes  
6 about cases that they were working, and the  
7 subject of the cases. Especially if they were  
8 of like a diverse population, he would imitate  
9 in a very condescending way and made in an  
10 uncomfortable way. Things that people would  
11 say, or if they were reading transcripts from a  
12 phone call, he would joke about them in the  
13 office and I found that to be really  
14 discriminatory.

15 Q. What did --

16 A. It was specifically about  
17 African-American people.

18 Q. Which individual was this?

19 A. Michael Regal.

20 Q. Did you report Mr. Regal for  
21 making those inappropriate statements?

22 A. I would say I don't think that's  
23 funny. I would say that and then I would even  
24 walk away.



1 Q. Did you ever report him?

2 A. No, not other than verbal. No.

3 Q. So you made a verbal report about  
4 his --

5 A. I told my supervisor, Ken Wall.  
6 I said, I think that that's inappropriate.  
7 And also, I did tell Stapleton because he was  
8 still supervisor at that time. Then Michael  
9 Regal has actually stepped down from a  
10 supervisory position and was under Stapleton.  
11 That was one of the people that was making jokes  
12 with him about the GS-24.

13 Q. Getting back to Ms. Byers, do you  
14 contend that she specifically took any  
15 discriminatory action against you?

16 A. Yes.

17 Q. What specifically did she do?

18 A. She took the words of male  
19 subordinates of mine, along with Stapleton who  
20 was a male, and made these decisions. And she  
21 came up -- she didn't know me and she came up  
22 with this assessment that they need to find  
23 against me, and I should have wiggle room, and  
24 clearly that she didn't think I was a good

1 leader.

2 Q. Would you be surprised if she did  
3 testify that she knew your work?

4 A. Would I be surprised? I guess  
5 I'm not understanding.

6 Q. Would you be surprised if Ms.  
7 Byers testified that she was aware of your work?

8 A. I'm sure she was aware of my  
9 work, and she was reading things that others  
10 contributed about my work, but she had no  
11 firsthand knowledge or experience with me or my  
12 work.

13 Q. So then she would have had some  
14 knowledge based upon the information that was  
15 provided to her, is that right?

16 A. On hearsay, yes.

17 Q. And that would have been provided  
18 to her through Mr. Morin?

19 A. I don't believe it would have  
20 been through Mr. Morin. I believe it would have  
21 been through Stapleton.

22 Q. In terms of going back to SSA  
23 Baker, she then would have provided information  
24 to Ms. Byers as well, right?

1 A. Based on interviews, yes.

2 Q. In looking at this 1331, Ms.  
3 Baker provided the notice of adjudication  
4 directly to Ms. Byers; correct?

5 A. Yes.

6 Q. And in the last line of her  
7 e-mail beyond, "Please contact me with  
8 questions," was "my apologies for any disruption  
9 this delay may have caused."

10 I'm sorry, I'm being confusing.  
11 Let me take a step back. She said she is  
12 "forwarding this now to advise the hard copy is  
13 on its way, as I know the Division has been  
14 waiting for this documentation. My apologies  
15 for any disruption this delay may have caused."

16 Is she just acknowledging that it  
17 took time for this report to be prepared; is  
18 that what you take that to mean?

19 A. I have no idea since I wasn't  
20 part of this. And I'm not familiar about how  
21 long the adjudication happens with OPRs. I  
22 would have no way to gage.

23 Q. So you don't know what -- if a  
24 year takes a long time or if that's a reasonable

1 amount of time, you wouldn't know?

2 A. I have no idea.

3 Q. Okay.

4 A. I have no idea.

5 Q. Do you have any idea how Ms.  
6 Baker conducted her investigations?

7 A. I'm not privy to that, no.

8 Q. Okay.

9 A. All I know was she interviewed  
10 me. And I'm assuming she interviewed other  
11 people from the transcript that I received  
12 later.

13 Q. Do you know if she gathered  
14 documentation?

15 A. I don't know. I would say yes.

16 Q. Are you aware of everybody that  
17 she interviewed?

18 A. I received a transcript of the  
19 entire report of investigation, so I think so,  
20 yes.

21 Q. And are you aware of all of the  
22 information she received?

23 A. All I have is the report that I  
24 was sent. I was sent something with a lot of

1 documents in it. But I mean, that's all I had  
2 from her report. I'm assuming it's supposed to  
3 be everything. Legally, I think it's supposed  
4 to be everything.

5 Q. Can you pull up 955 for me?

6 A. Okay.

7 MS. CASTRO: And we'll mark that  
8 as Exhibit 18.

9 THE COURT REPORTER: This will be  
10 Exhibit 18.

11 (At which time,  
12 Defendant's Exhibit No. 18  
13 was marked for  
14 identification.)

15 BY MS. CASTRO:

16 Q. And this is another e-mail  
17 between Ms. Byers and Ms. Baker, is that right?

18 A. It looks like it, yes.

19 Q. In this, they are discussing  
20 questions that you provided to IS Prater, to  
21 Stephanie Prater, is that right?

22 A. Alleged questions. Stephanie  
23 Prater showed handwritten notes of questions  
24 that were very similar to the team leader

1 questions, and she attributed it to me. And  
2 then one of the e-mails that you had earlier  
3 shows that Angela and Herbert Stapleton both  
4 searched my office, and did not find anything  
5 even closely related to what Stephanie was  
6 describing.

7 I explained that Stephanie was  
8 lying, and Stephanie actually was dismissed for  
9 lying after all this on a separate unrelated  
10 matter.

11 Q. When I look at this e-mail and I  
12 see that the referenced questions have already  
13 been obtained from IS Prater last week.

14 When we talk about questions, I'm  
15 not necessarily talking about a list on a piece  
16 of paper. I'm talking about if information,  
17 such as separate questions could have been  
18 provided orally?

19 A. I'm confused.

20 Q. When I say a question, if I ask a  
21 question, it can be verbal; correct?

22 A. You ask me a verbal question,  
23 yes.

24 Q. Okay. It doesn't necessarily

1 mean that a question is on a piece of paper,  
2 right?

3 I can ask you a question like I  
4 am right now?

5 A. Yes. You can also read me a  
6 question off a piece of paper.

7 Q. Okay. Okay.

8 A. Yes.

9 Q. And what I'm taking from this  
10 e-mail is that Stephanie Prater provided  
11 referenced questions to SSA Baker.

12 A. Yes.

13 Q. Do you see that?

14 A. Yes.

15 Q. Okay. All right. I just, I  
16 needed to clarify that for my own understanding  
17 of what happened.

18 So are you then contending that  
19 Stephanie Prater is not credible?

20 A. Correct.

21 Q. Why do you have that  
22 understanding?

23 A. Because I never gave her  
24 questions that she had written on this piece of

1 paper. I never orally gave her questions that  
2 were written on that piece of paper.

3 I did not have the team leader  
4 questions. I had no reason to have the team  
5 leader questions. She, however, was trying to  
6 become the team leader and she said, blatantly  
7 said that multiple times in statements. And  
8 when she came into the Cincinnati office, she  
9 said that.

10 So she kind of had, you know,  
11 every reason and every ambition to have these  
12 questions and pass her team leader interview.  
13 Now, I even said in my signed sworn statement, I  
14 went over job details and like having KSA  
15 questions that are public to everybody based on  
16 what you should have had ready to give examples  
17 for, for the program.

18 There is a whole Intranet web  
19 page on the program, too, for them to look at.  
20 And the trainer's was with Cirg at the time.  
21 You spell Cirg, C-i-r-g. That was our program.  
22 That he would post hints, and here's how we want  
23 you to answer. And I think the acronym was  
24 STAR. They love acronyms.



1                   And I don't remember like the  
2                   situation and something, then it all stood for  
3                   something that you were supposed to do when  
4                   answering their questions. And I went over that  
5                   with her frequently.

6                   Q.     Did you hire Ms. Prater?

7                   A.     I selected Ms. Prater because of  
8                   her background, yes. And she was in a one-team  
9                   office while she was in Norfolk when she  
10                  interviewed. She applied to come to Cincinnati  
11                  when we were replacing the two team members that  
12                  died in the boat accident.

13                  Q.     What was it about Ms. Prater's  
14                  background professionally that led you to hire  
15                  or select her?

16                  A.     For our job specifics, and in our  
17                  office, we were a one-team office. And she and  
18                  Bethany Ritenour were the only two individuals  
19                  that were also in one-team offices that had  
20                  extensive experience, and talked about that  
21                  experience during their interviews with the  
22                  administrative duties and the balance they  
23                  needed to have in the one-team office. It's a  
24                  very different environment than multiple team

1 offices.

2 Q. So Ms. Prater's experience was  
3 the reason that you hired her?

4 A. That was one of the biggest  
5 reasons, yes.

6 Q. What were the other reasons?

7 A. Operationally, if you are doing  
8 surveillance, typically, if you are looking  
9 around and you are looking to see if somebody is  
10 following you, the typical is to have you think  
11 it's the going to be a white male in a baseball  
12 hat or a guy in a suit in a darkened car.

13 And so to have people that did  
14 not fit that description were always beneficial.  
15 The ability to also plan. We just lost all of  
16 our females. I had no other females with me,  
17 then that would be an asset.

18 And we also -- we also look for  
19 people that are of diverse backgrounds that can  
20 fit in, in any environment.

21 Q. Was there anything specific to  
22 Ms. Prater other than her being a female that  
23 led you to select her for that position?

24 A. The experience was the main

1        thing. I even asked other individuals that were  
2        not female to interview. And I said, "So what  
3        experience do you have with writing a six-month  
4        report? What experience do you have with  
5        helping fix the log program"?

6                    And none of the other applicants  
7        that we interviewed had any experience. They  
8        said none, they had none.

9                    Q.     Okay.

10                   A.     I said, "Did you ever go to  
11        trainings to do this"? I mean, I tried to even  
12        say, did you go to this training, did you go to  
13        the log training program, like perhaps to see if  
14        there was anything there that was relevant, but  
15        none of them had the experience.

16                   Q.     So the experience was the main  
17        driver of that decision?

18                   A.     That is the primary thing. Yes.

19                   Q.     Was there anything  
20        personality-wise or a skill set wise other than  
21        experience that you appreciated about Ms.  
22        Prater?

23                   A.     I mean, it was an interview so I  
24        can't always get a sense from somebody's

1       personality.    So, no.

2                   Q.     Okay.

3                   A.     I did not base my judgment on  
4       that.

5                   Q.     Okay.

6                   MS. CASTRO:   Well, I'm kind of at  
7       a stopping point if you guys are.   Do  
8       you want to take a little bit of time  
9       to have lunch and reconvene?

10                  MS. NEWMAN:   Yes, please.

11                  MS. CASTRO:   Okay.   It's 12:52.  
12       How long do you all want?   A half  
13       hour?

14                  MS. NEWMAN:   30 to 45 minutes is  
15       good with me.

16                  THE WITNESS:   That is fine.   I  
17       know.

18                  MS. CASTRO:   You want to come  
19       back, what do you think, about 1:30?

20                  MS. NEWMAN:   That is great.

21                               (At which time, a short  
22       lunch recess was taken.)

23       BY MS. CASTRO:

24                   Q.     Ms. Boughton, thank you for

1 coming back. I will remind you that you are  
2 still under oath, which I'm sure you understand.

3 A. Yes.

4 Q. Just a few more points that I  
5 would like to discuss with you.

6 When we last talked, we were  
7 talking a little bit about Stephanie Prater.  
8 And I would like to talk then about Ms.  
9 Ritenour, Brittany Ritenour. (Sic) I believe she  
10 was the other individual that you hired along  
11 with Ms. Prater, is that right?

12 A. Bethany?

13 Q. No, I am sorry, Bethany, yes.

14 A. She had been coming at the same  
15 time. They were already employed by the FBI.  
16 They just got transferred to Cincinnati.

17 Q. Okay. Were you the selecting  
18 official for Ms. Ritenour's employment at your  
19 office?

20 A. I was not the selecting official  
21 for either. It was Herbert Stapleton.

22 Q. Were you the one that made the  
23 recommendation to bring Ms. Ritenour in?

24 A. Herb Stapleton and I both sat in

1 on interviews, and then discussed our separate  
2 scorings of the people that were interviewed.  
3 And from that, I give my input and he gave his  
4 input, and a lot of them were kind of the same.

5 Q. Okay.

6 A. And then he wrote the official --

7 THE WITNESS: There was some  
8 weird noise, are you hearing that?  
9 Like a clanking?

10 MS. NEWMAN: Oh, I'm sorry.

11 That's me. I was pouring tea, sorry.

12 THE WITNESS: And he wrote the  
13 e-mail, he had wrote the official  
14 e-mail stating what the request was.

15 BY MS. CASTRO:

16 Q. So before we took a break when  
17 you talked about when Ms. Prater came onboard  
18 that you selected her, is that still what your  
19 testimony is?

20 A. We both selected her. We both.

21 Q. Okay.

22 A. Stapleton and I agreed on  
23 Ritenour and Prater.

24 Q. What was it in particular about

1 Ms. Ritenour that stood out to you to make her a  
2 good hire?

3 A. The same thing. Same  
4 qualification and experience that Prater had,  
5 that they both worked in a one-team office, they  
6 were very familiar with the administrative  
7 duties, they had had experience with the  
8 administrative duties, they had experience  
9 running teams, a one-team office team and these  
10 things stood above the experiences of the other  
11 people we interviewed.

12 And I don't believe that any -- I  
13 think I stated this before, I don't believe that  
14 any of the other applicants were from one-team  
15 offices.

16 Q. Was there anything specific about  
17 Ms. Ritenour's skill set beyond her experience  
18 that stood out to you?

19 A. Just the experience.

20 Q. Did she do a good job?

21 A. She was there for less than 30  
22 days before I was removed, so I don't think I  
23 had enough information to answer that.

24 Q. In the 30 days that you worked

1 with Ms. Ritenour, what was your assessment of  
2 her performance?

3 A. I don't have enough information  
4 to assess her performance and she did not  
5 receive an assessment from me at the six-month  
6 review either because of that.

7 Q. I'm not asking about a formal  
8 assessment. I am simply asking for your  
9 observations as to her performance.

10 What did you think of how she did  
11 in those 30 days?

12 A. Um, in those 30 days, the things  
13 that I saw were she seemed to know how to do the  
14 basic skills of the operations of surveillance  
15 operations. I think she may have done a log,  
16 I'm not positive, which is another basic skill  
17 that they need to be able to write a log and so  
18 I think she did.

19 I don't remember seeing anything  
20 alertive about any of those things. It was  
21 probably successful. She was probably, my guess  
22 is, it would be a successful rating because that  
23 would be a rating for FBI performance reviews.

24 Q. Was there anything tremendously



1 negative about her performance that struck you  
2 in that 30-day period?

3 A. She seemed to be very withdrawn,  
4 particularly with other members of the team.  
5 And she did at one point talk to me about that  
6 in the office that it was impacting her ability  
7 to work with the team a little bit.

8 She said she knew, I think the  
9 phrase she used was, they're sniffing around me  
10 like I'm a stray dog. And she meant the already  
11 established Cincinnati members that were there.  
12 So I think, to me, it was a -- she had a feeling  
13 of uncomfort or discomfort, but she was in a new  
14 office. And I did ask if I could do anything to  
15 help. She just said, no, I want to take time  
16 and see.

17 Q. What was your response about the  
18 statement, the sniffing around me like a stray  
19 dog?

20 A. I said that was very upsetting.  
21 And she was somewhat -- like, her eyes were  
22 getting a little bit red. So I wasn't sure if  
23 she wanted me to ask further or not. And I  
24 didn't know her very well, like I said. She

1       like literally had been there -- when I say less  
2       than 30 days, she was just assigned to our  
3       office.

4                       It doesn't mean she was working  
5       all those 30 days. She had time where she was  
6       moving, she had time where she was getting her  
7       administrative things done in the main office.  
8       So it didn't mean that we interacted or I got to  
9       actually work with her. That's why I'm saying,  
10      I probably only saw a few surveillance things  
11      from her.

12                    Q.     In terms of her credibility, did  
13      you see anything in that less than 30-day period  
14      that would lead you to believe that she would  
15      lie about anything?

16                    A.     From her statement about the  
17      sniffing around me like dogs and that she was  
18      upset by it and her unease, it did see him like  
19      she might cower to what other people were saying  
20      or doing or maybe go along with something,  
21      especially if she is in a new office.

22                    Q.     That's what you took that to  
23      mean?

24                    A.     Yes.

1           Q.     And I'm not sure, I guess, I  
2     would ask you for some clarification.

3                     What do you mean that she would  
4     cower to others, or what you took that to mean  
5     that she was --

6           A.     If there were an aggressive  
7     personality, if you are new in a situation and  
8     there is already a very forward or aggressive  
9     personality, I don't think -- she's not the type  
10    of person from my impression, she is not the  
11    type of person that would go up against that  
12    person or combat that person.

13                    I think she would either back off  
14    or bow down to whatever they were saying and  
15    just let them pass. Does that make sense? If  
16    you are giving way to something, I would say  
17    that she would not be the one to assert herself.

18           Q.     Would you say that's how you  
19    would describe yourself?

20           A.     Describe myself?

21           Q.     Yes.

22           A.     No.

23           Q.     So you would instead be assertive  
24    and more combative to use your words?

1           A.     No.     That is also not -- that is  
2     also not how I would describe myself.   I don't  
3     feel like those are the only two categories.

4           Q.     How would you describe yourself?

5           A.     That's a good question.   I'm very  
6     thoughtful in things that I do and I say and my  
7     actions.   I try very hard to think things  
8     through a lot.   I try very hard.   It is -- part  
9     of my training is to try very hard to do a fair  
10    analysis of something, especially like the whole  
11    science background.   I try very hard to look at  
12    all information, or numbers and every aspect of  
13    it.

14          Q.     Would you be surprised -- I am  
15    sorry, go ahead.

16          A.     Okay.   I was going to say, I  
17    don't -- I'm not aggressive, I wouldn't say, but  
18    I also, if something seems like it is wrong, I  
19    will say something.

20          Q.     Would you be surprised if people  
21    described you as stand-offish or aloof?

22          A.     No, I wouldn't.

23          Q.     Why is that?

24          A.     As I mentioned before, I'm not

1 particularly -- like before the pandemic even,  
2 I'm not a particularly, you know, touching,  
3 hugging, feeling type of person in that manner.  
4 I am understanding. I feel like I'm  
5 compassionate as an individual, but I am not  
6 that type of individual.

7 I am an independent person, too.  
8 A lot of times, and I have been told, it's not  
9 in a negative way, and I know it's taken in a  
10 negative way, that a lot of times if I -- if  
11 someone is saying something or if I'm in a  
12 meeting and somebody is speaking, I will often  
13 think about I'm pondering what they are saying  
14 and I'm quiet and I'm thinking. And that,  
15 sometimes that silence, especially online, too,  
16 it makes people uncomfortable.

17 And that's not my intention to  
18 make someone uncomfortable. I'm not even  
19 thinking about it. I am literally inside my own  
20 head thinking about the situation and thinking  
21 about what they are saying.

22 Q. So then it's not your intention  
23 to cause others discomfort?

24 A. If they feel discomfort, that's

1 not what I am intending. I am very matter of  
2 fact at times when I say things. I wouldn't say  
3 blunt, I wouldn't say rude or condescending,  
4 it's just I'm stating a fact and so it's a  
5 matter of fact.

6 Q. Would you be surprised if you  
7 heard that people felt like you were a vengeful  
8 person?

9 A. Yes.

10 Q. And would you be surprised if  
11 people felt like you were the type of person  
12 that would try to seek revenge for things?

13 A. Yes, I am very surprised by that,  
14 yes.

15 Q. And would you be surprised if  
16 people found you to be concerned with saying  
17 things opposed to you because you would try to  
18 inflict some sort of revenge upon them?

19 A. What was the first part of the  
20 question?

21 Q. Yes.

22 A. I want to make sure I answer it  
23 right.

24 Q. Fair enough. Would it be

1 surprising to you if individuals were afraid to  
2 speak out against you because they were afraid  
3 of what sort of retaliation you would impose on  
4 them?

5 A. Yes.

6 Q. Tell me about working -- in  
7 reading through all of the documents, I thought  
8 the idea of a surveillance team was very  
9 interesting and it seems somewhat unique.

10 Is that true?

11 A. Yes.

12 Q. Tell me how so?

13 A. We spend a lot of time, and it  
14 kind of depends on the situation. And it can  
15 vary from office to office in the type of work  
16 that we are doing or the type of case that you  
17 are working.

18 In Cincinnati, we cover all of --  
19 the Cincinnati office covers all of southern  
20 Ohio, so that includes Columbus, Athens,  
21 everything. So there is a lot of variety in  
22 Cincinnati. And most of it is involved with  
23 vehicles, the surveillances we had to do.

24 And so you have a lot of time

1       that you were either busy, busy, busy, or you  
2       had to sit and wait for certain things. And so  
3       everybody does something different. And they  
4       are sitting around and waiting for how they  
5       position themselves when they are working, too.

6               Q.     What is the role of the team  
7       leader?

8               A.     So, okay. Now this is also  
9       different depending on the office. In a  
10      one-team office, which we are, there is a GS-12  
11      and then it's the team leader. There is no  
12      GS-13 that is the coordinator.

13              In a multi-team office, you have  
14      a coordinator then team leader and then the  
15      team. So that coordinator does strictly all of  
16      the admin.

17              Q.     If you don't mind, let's just  
18      stick to what is relevant here, and since  
19      Cincinnati is a one-team office, just tell me  
20      what the role of the team leader is in a  
21      one-team office?

22              A.     Okay. So this is relevant.  
23      The coordinator's duties are done by  
24      coordinators in other offices. In Cincinnati,



1       which is a one-team office, there is no  
2       coordinator.

3               So those administrative duties, a  
4       full-time administrative job falls on the team  
5       leader. In addition to the team leader duties,  
6       which are in a normal office, but not Cincinnati  
7       because it is one-team, in a normal office, the  
8       team leader is supposed to be controlling,  
9       coordinating, and organizing the actual  
10      operational team with the team.

11             Q.     I take it that there are more  
12      one-team offices in the country than just  
13      Cincinnati?

14             A.     There are.

15             Q.     Are there quite a few, meaning,  
16      maybe more than ten?

17             A.     I honestly don't know at this  
18      point because it has kind of vacillated over the  
19      years. There are not that many.

20             Q.     But Cincinnati is not the only  
21      one?

22             A.     Correct.

23             Q.     So then the team leader, what I  
24      hear you telling me is, the team leader's role

1 is to do a lot of organizing and administrative  
2 work?

3 A. In a one-team office, yes. The  
4 team leader has to be a GS-12 and the GS-13  
5 unless they offer in the office to give like  
6 administrative support, sometimes that also  
7 happens. So in some offices that have been  
8 one-team offices, they have also been assigned  
9 an administrative person. Cincinnati denied  
10 that.

11 Q. In addition to the organizing and  
12 the administrative work, what other job duties  
13 fell on the team leader?

14 A. The operational duties of  
15 organizing the team, making sure everyone is on  
16 leave. Takes their leave, their REOs when  
17 scheduled, setting up the surveillance, running  
18 the surveillance, kind of organizing all of the  
19 facets during surveillance.

20 Q. What role does the team leader  
21 take in personality issues within the teams?

22 A. So the team leader is a  
23 supervisor. So just like a supervisor at any  
24 workplace, you have to kind of mediate, find out

1        what is happening and mediate the issue so that  
2        the team can then function again.

3                    And in a one-team office, if the  
4        team leader is not out, there is an assistant  
5        team leader that is named that is functioning as  
6        that team leader in their absence and they are  
7        supposed to be handling those issues.

8                    Q.     So those issues --

9                    A.     Or giving them up to the team  
10       leader that passes along. With references to  
11       where you said before, you never have to  
12       discuss, you know, issues with subordinates with  
13       one of the people on the team. That is the  
14       instance that I was talking about.

15                   If there is an assistant team  
16       leader and there is an issue, a lot of times I  
17       would have to discuss the situation with them  
18       and then help mediate.

19                   Q.     Did you see the role as team  
20       leader to be more reactionary with regard to  
21       relationships among your subordinates, or was it  
22       more proactive?

23                   A.     I think it was a mix of both. I  
24       think that obviously, when you are dealing with

1 personalities and a lot of opinions that you are  
2 going to have to react. That's kind of the job  
3 of the supervisor.

4 You couldn't plan everything out  
5 but I'm always very proactive about activities,  
6 planning as much as I can, trying to get things,  
7 you know, front loaded, like getting reports  
8 done and things that I could in case something,  
9 you know, a big case came out, and had to  
10 respond. And that was very reactionary on a  
11 work level, too.

12 Q. And in terms of interpersonal  
13 relationships among team members, tell me or  
14 give me an example of how you were proactive?

15 A. I would regularly, before  
16 Stapleton became our supervisor, all of the  
17 other supervisors prior would always let us do a  
18 training day. And I would have my team members  
19 a lot of times say, okay, what are the skills  
20 that we need, you think we need to work on as a  
21 team, and I would organize a training based on  
22 that skill level. And I would do the training  
23 with the team, we would all do it together.

24 And a lot of times we would use a

1 different complement, which I don't know that I  
2 want to talk about, but we incorporate another  
3 complement that is housed in the Cincinnati  
4 office and have them kind of test our skills.  
5 And it was a safe way that the team could bond,  
6 the team could establish more rapport and  
7 increase their skill set.

8 And at the end of it, we  
9 sometimes would just all bring in like our  
10 sandwiches and have a hot lunch and we would  
11 talk about things that happened, things we did,  
12 how it would apply in the real world. And our  
13 supervisors all prior to Stapleton would attend  
14 them also. So I think that was also good that  
15 they felt that there was this openness.

16 Q. So you organized these trainings?

17 A. The trainings, yes.

18 Q. And so did you do them annually?

19 A. We tried to do at least one per  
20 year, but sometimes the case load is, you know,  
21 the case load is unpredictable, because we were  
22 actually working real cases from the office. So  
23 we would sometimes not be able to do it or, you  
24 know, "life is what happens when you are making

1 plans" kind of thing.

2 Q. Why did you stop doing them when  
3 Stapleton came on board?

4 A. When Stapleton came on board,  
5 shortly thereafter -- well, we were on a number  
6 of TDYs that we were on, so there was not an  
7 opportunity. We always tried to do them in the  
8 home office area in Cincinnati.

9 We came on board, we had a number  
10 of TDYs we were addressing, and then the boating  
11 accident happened, and then a high priority  
12 national case came up and we were working 24/7  
13 on some things with TDY teams coming in. And I  
14 was having to help coordinate that. And we were  
15 working, like I said, we were working a lot. So  
16 there was no opportunity to do that.

17 We did, before the accident when  
18 he first came in, there was a little bit of down  
19 time, and we were finishing up one of these  
20 little rounds where we did some training. And  
21 he was newer to the office, but he opted not to  
22 come.

23 Q. So it wasn't that you were  
24 prohibited from holding these trainings by

1 Stapleton?

2 A. By Stapleton on that?

3 Q. Right.

4 A. No.

5 Q. Okay. And in terms of that  
6 timing that you had discussed when you said you  
7 had multiple TDYs coming in and a big national  
8 case, it sounds like that was a stressful period  
9 of time?

10 A. Yes.

11 Q. What are you referring to,  
12 generally, as that period?

13 A. It was almost directly after the  
14 boating accident in the fall, late fall of 2014.

15 Q. How long did that stressful  
16 period last?

17 A. Up until today.

18 Q. So until, at least in terms of  
19 this case, until you left the FBI?

20 A. That particular case had, I  
21 think, three spin-off cases. And they were  
22 still working those the day I was dismissed.

23 Q. Can you think of any other ways  
24 that you were proactive in developing

1 interpersonal relationships amongst your team  
2 members?

3 A. Um, if we had a TDY, I would  
4 always try. If I was invited to go out for like  
5 a dinner if the team was getting dinner, or I  
6 would just say at the end of our shift, anybody  
7 want to grab a bite, let me know, like as a team  
8 kind of thing.

9 And sometimes, if you would, and  
10 towards the 2014 time, it just wasn't happening  
11 anymore. And I know that a number of them were  
12 going to like bars and things and I wasn't a big  
13 drinker so it didn't phase me that I wasn't  
14 included in that. It didn't bother me.

15 Q. Can you think of any other ways  
16 that you were proactive in facilitating  
17 interpersonal relationships?

18 A. I did try to talk to individual  
19 team members on a regular basis to see if they  
20 had what they needed. I tried to make sure also  
21 that once an individual had the experience, once  
22 they were a GS-11 and they had a year's worth of  
23 experience, if they wanted to --

24 Well, and it's part of their job



1 description to take over the supervisory skills  
2 of practice running and mentoring the team. And  
3 so I provided them the opportunity if they  
4 wanted to go through and run the team as the  
5 ATL, serve as the ATL, I rotated that through on  
6 a regular basis.

7 Q. As part of talking to team  
8 members, you didn't discuss personal issues  
9 regarding other team members, did you?

10 A. Only if they had brought it up  
11 that it was an issue. Like I said before,  
12 sometimes the ATLs or actually other team  
13 members would bring up issues if they had  
14 issues.

15 I received a phone call one day  
16 from Distasio -- excuse me, from Munafo, telling  
17 me that Distasio and Wilson stopped the  
18 surveillance and were screaming at each other  
19 outside of their cars. Like they stopped in the  
20 subject's neighborhood and were screaming at  
21 each other outside of their cars.

22 And I was in the office working  
23 on our report, and I said, "What do you mean  
24 they stopped the surveillance? Is everybody

1     okay?"     And he said, "I want to give you a heads  
2     up."     And I'm like, "All right.     I'll reach out  
3     to them, thanks."     And they were both were  
4     furious because I wouldn't side with them that  
5     they were yelling at each other.     And I believe  
6     Wilson was calling Distasio, "a piece of shit."  
7     And Distasio was telling Wilson, "You better do  
8     what he told him to do."     It was a fight,  
9     obviously.

10                     There was a lot of this that went  
11     on, on the team, especially if I got called into  
12     a supervisor's meeting or if the ATL was  
13     supposed to be in charge of it and sometimes  
14     they would reach out.

15                     Q.     In terms of a lot of that going  
16     on, was that after the boat accident?

17                     A.     No, no.

18                     Q.     This was before?     Okay.

19                     A.     That was from day one.     Wilson  
20     was very combative with multiple team members,  
21     and then it turned into Wilson and Distasio, and  
22     then for a while it was Wilson and Munafo.

23                     Q.     In terms of talking with team  
24     members about things, is there a general

1 understanding that you do not talk about EEO  
2 complaints?

3 A. Correct.

4 Q. And so as a supervisor, you were  
5 aware that you were not to discuss EEO  
6 complaints among your employees?

7 A. Correct.

8 Q. Do you recall having ever  
9 disclosed or discussed any proceedings, any EEO  
10 proceedings?

11 A. None that I was involved in.

12 Q. What about ones that you were not  
13 involved in?

14 A. I told you Tom Brink had told me  
15 about one that had occurred in his office.

16 Q. I would like to limit this to  
17 just your team.

18 A. Bethany Ritenour told me about  
19 one that had occurred in the St. Louis office.

20 Q. Did you tell her about any that  
21 occurred in your office?

22 A. No.

23 Q. Can you recall discussing any  
24 other EEO proceedings with any team members?

1 A. No.

2 Q. But you are aware that that is  
3 not permissible; correct?

4 A. What is not permissible?

5 Q. Disclosing a pending EEO  
6 proceeding.

7 A. Yes. I'm aware.

8 Q. Okay. It seems to me that  
9 surveillance teams may be like a different  
10 beast.

11 Do they have a reputation of  
12 being a certain way?

13 A. Yes. In the bureau, the SSG  
14 program is known to have a lot of very  
15 disgruntled employees.

16 Q. I'm sorry. What is SSG?

17 A. I am sorry?

18 Q. What is SSG?

19 A. I think that's the title that  
20 they go by right now, special surveillance  
21 group.

22 Q. Okay.

23 A. At the time it was MST, which I  
24 think stands for mobile surveillance team.

1 Every time there is a new director, they change  
2 the name.

3 Q. Okay.

4 A. There is a new name.

5 Q. Right.

6 A. The organization of everything so  
7 nobody knows what the acronyms are.

8 Q. I'm sorry for interrupting you.  
9 Go ahead.

10 A. Yes. I was saying that there is  
11 an overall census usually that people on the  
12 team are very disgruntled, and a lot of times,  
13 which I feel was reflective of the Cincinnati  
14 team, too.

15 If somebody had attempted to be a  
16 team leader or as an ATL, they would lock horns  
17 a lot of times because they felt like they were  
18 doing things the way they wanted to do them.  
19 And this was one of the issues that I had with  
20 Wilson is he would get mad at me because I  
21 wouldn't let him cut the team short because he  
22 was ATL.

23 Q. What did you say, cut the team  
24 short?

1           A.     Yes.   We were paid to work a  
2     straight eight hours and he would let them go  
3     after five or six hours if I wasn't there.   And  
4     I told him that's not acceptable and he got  
5     furious with me.   He was yelling at me, and he  
6     said that he had no respect for me on multiple  
7     occasions and he refused to do his basic job  
8     duties.

9           Q.     It sounds like the MST team  
10    members had to be actively managed.

11                   Is that a fair statement?

12           A.     Yes, yes.

13           Q.     Almost like they needed to have  
14    their hands held?

15           A.     I don't know about that.   I mean,  
16    I think that's a little over the top for a  
17    description.   I think they just needed to have a  
18    supervisor, and then have a supervisor for that  
19    part.   Like the team needed that, I mean the  
20    trifecta, they needed that.

21                   And I even wrote an essay to  
22    headquarters requesting that they augment  
23    one-team offices with either a coordinator  
24    position or an administrative position asking

1 because it was too much. And it was very -- it  
2 was very -- not only just difficult for the team  
3 leaders to have to do both duties, but it was  
4 also taxing on the team because the team would  
5 fight a lot.

6 There was a lot of stress. And  
7 if you were the only team to respond to things,  
8 so we were on-call all the time.

9 Q. Did you like it?

10 A. I absolutely loved the job of  
11 surveillance. I'm sure I would have loved the  
12 job of team leader, not having to do my duties  
13 and the coordinator duties for the length of  
14 time that I did. And all of the instances that  
15 played into it were -- it was a lot. It was a  
16 lot to handle.

17 Q. I guess I should just ask this  
18 more straight up?

19 Did you love or enjoy being in  
20 the position of a team leader.

21 A. I did like being a team leader.  
22 I loved our program. I loved my job when I was  
23 just surveillance. When I became a team leader,  
24 I was very excited, too. In Cincinnati, I was

1       very, very excited.

2               Q.     So you loved being a team leader?

3               A.     I did.   I loved being in the  
4       program.

5               Q.     And you felt you were well-suited  
6       for it?

7               A.     Yes.   I thought I was probably  
8       overqualified for it in a lot of aspects.   I was  
9       told that by multiple supervisors.

10              Q.     Who told you that?

11              A.     When I was at headquarters doing  
12       TDYs, the people that I worked with out there  
13       and told me that.   Ken Wall told me that, Wendy  
14       Surikov had told me that.

15                    THE COURT REPORTER:   What was  
16                    that last name?

17       BY MS. CASTRO:

18              Q.     Can you repeat those names for  
19       us?

20              A.     I can't remember what I just  
21       said.   When I was at headquarters, the  
22       supervisors out there told me that when I did  
23       TDY up there.   Ken Wall told me, Wendy Surikov  
24       told me.   Do you need the names of people at



1       headquarters?

2                   Q.     Sure.   We got it.   We just had  
3       trouble hearing you the first time.

4                   A.     Okay.

5                   Q.     I want to talk a little bit about  
6       your hobbies both before 2014 then after 2015.  
7       And by "hobbies," I mean your life outside of  
8       work.

9                             Did your life change in any way  
10       having worked from 2008 to 2014, and then after  
11       2015 when you left the FBI.

12                   A.     Okay.   I'm sorry.   So you said  
13       I'm comparing my work in Cincinnati time to like  
14       what I'm doing after FBI until now?

15                   Q.     Yeah.   I guess, not even  
16       work-related.

17                             Tell me what some of your hobbies  
18       are.

19                   A.     I play tennis when I can, I do  
20       yoga, garden, I read.   Well, I audio book read.  
21       People say you can read and then I even don't do  
22       it.   So I'm following it.

23                   Q.     Did you do all of those things  
24       during your time in Detroit?

1           A.     I don't think audio books were a  
2     thing, but I did try to read. I'm dating my age  
3     here. Yes.

4           Q.     Do you still do those now?

5           A.     Yes, yes. It is what I do now.  
6     I probably did them more intermittently when I  
7     started with Cincinnati FBI just because of the  
8     time demands of the job. It was a lot more  
9     taxing time-wise on my life.

10          Q.     Did your life change in any way  
11     when you went from the Detroit office to the  
12     Cincinnati office just in terms of hobbies or  
13     interests?

14          A.     I don't think so.

15          Q.     And in terms of hobbies or  
16     interests from the time that you were in the  
17     Cincinnati office versus after you left the  
18     Cincinnati office, did your hobbies or interests  
19     change at all?

20          A.     Um, I probably done -- well, I  
21     don't know. I don't know, I don't think so. I  
22     mean, I probably do more like nerdy, sciency  
23     things now just because it is part of my job. I  
24     kind of throw myself into trying to learn other

1 aspects even as like a hobby.

2 Q. So you are able to do that type  
3 of thing now?

4 Your time allows for that?

5 A. Not really as much, no, not very  
6 much.

7 Q. Okay.

8 A. But when I can, you asked if I  
9 have a hobby. That is what I would do if I had  
10 some time, yes.

11 Q. Did your life change in any other  
12 way after you left the FBI other than  
13 professionally?

14 A. I'm sorry?

15 Q. I am sorry about that. Other  
16 than professionally, did your life change in any  
17 way after you left the FBI?

18 I assume you are still married?

19 A. Yes, I am still married.

20 Q. Okay.

21 A. It's become quite -- it is  
22 different, and I guess some of the hobbies that  
23 I probably had when I was in the FBI, some of  
24 them I don't have, I can't partake in anymore.

1 Like I used to belong to tennis clubs. I can't  
2 afford that, to do that anymore because of the  
3 pay decrease that I've experienced. And I am  
4 also working at three or four jobs at a time to  
5 try to even make a portion of what I made.

6 In addition to my spouse, my  
7 husband has also been facing economic issues  
8 because they demoted him at work after I filed  
9 this lawsuit.

10 Q. What tennis clubs did you belong  
11 to before that you can no longer afford now?

12 A. There was one in Michigan that I  
13 belong to, I don't even know what it was called.  
14 It's on Brasset Road, (phonetic) if that helps.  
15 I think it's like Northeast Tennis Club. I  
16 don't even know if it's still there.

17 And then down here, I was at the  
18 Queen City Tennis Club. And there was another  
19 one. I don't know if it's called Queen City  
20 anymore either. They recently changed their  
21 name. There was another one. I played in some  
22 tournaments for them and I played at -- what's  
23 it called now? It's where they play the big  
24 tennis tournaments down here.

1 Q. Right. Right.

2 A. So we played there, I played  
3 there one season, too.

4 Q. Other than having to quit your  
5 clubs, is there any other way that you have seen  
6 your life change from the time you were employed  
7 at the FBI until now?

8 A. Well, financially, there has been  
9 a lot of, yeah, changes.

10 Q. How about emotionally?

11 A. I'm, obviously because I'm still  
12 talking about these incidents and feeling  
13 discriminated and retaliated against that I'm  
14 still feeling the stress. It's very stressful  
15 and working and balancing financials and all of  
16 these employments is very stressful.

17 Q. Have you sought counseling for  
18 your stress?

19 A. I have already answered that  
20 once. No, I have not.

21 Q. Are you taking any medication to  
22 help you manage your stress levels?

23 A. No.

24 Q. Are you taking any medication to

1 help with any mental health issues?

2 A. No.

3 Q. Can you think of any other way  
4 that your life has changed other than  
5 professionally?

6 A. So we are not talking about  
7 hobbies anymore, and we are not talking about  
8 emotionally?

9 Q. Right, right.

10 A. I mean, I had a loss of security  
11 clearance. So I feel like I have been very  
12 limited on my career options and I feel like I  
13 kind of had to start over.

14 I have lost a lot of sleep  
15 because of the things that have happened with  
16 the FBI. It makes me humiliated. I have, I  
17 would say, a lack of self-esteem many times.  
18 I mean, I had a lot of anxiety because of these  
19 kinds of things with workplace interactions that  
20 probably wouldn't cause a lot of people anxiety.

21 I feel like my reputation is  
22 completely demolished by some of the things that  
23 were allowed to be said about me.

24 Q. You mentioned the loss of

1 security clearance.

2 What impact has that had on you  
3 professionally?

4 A. I'm sorry, I didn't hear that.  
5 Did you say effect?

6 Q. What impact has the loss of  
7 security clearance had on you professionally?

8 A. Because I don't have a security  
9 clearance, I no longer was eligible for lots of  
10 things on the job, which is where my resume was  
11 shattered and ruined my entire career.

12 Q. I'm sorry, Ms. Boughton. Could  
13 you repeat all of that?

14 A. The security clearance question,  
15 yes.

16 Q. Yes.

17 A. I feel like I was not eligible  
18 for a lot of jobs on USA jobs, which is where  
19 most of the clearance jobs would be, or on  
20 clearance jobs. These were websites where I had  
21 built my career. And I had my resume and I  
22 would actively, you know, apply for jobs and I  
23 was no longer eligible because I didn't have a  
24 security clearance. And it was going to be a

1       blight on my record that the FBI dismissed me  
2       and would not hire me again because of their  
3       claims.

4               Q.     We talked a little about this  
5       earlier today, but I know you're a teacher now.

6               How do you like that job?

7               A.     I really like teaching. I've  
8       always enjoyed teaching. I did, I was adjunct  
9       faculty at the bureau. The bureau had training  
10      days which I organized the training, and I would  
11      go to headquarters and do trainings there also.  
12      I do enjoy teaching. I don't necessarily know  
13      that it's the thing that I want to do for my  
14      whole life.

15              Q.     But you do enjoy it?

16              A.     I enjoy most of it, yes.

17              Q.     You said you don't anticipate  
18      doing it forever.

19              What would you prefer to be doing  
20      now?

21              A.     I wanted to do surveillance. I  
22      wanted to work for the FBI.

23              Q.     Beyond, besides that?

24              A.     Well, if I had to change



1 government agencies, I would think about working  
2 for another government agency. But I don't have  
3 security clearance anymore and I have a giant  
4 blight on my record.

5 Q. It's my understanding, and you  
6 might be able to help me with this, but does the  
7 FBI have a policy?

8 I'm sure it has many policies  
9 about confidentiality, is that right?

10 A. Yes. There have been many  
11 policies about confidentiality.

12 Q. One of those that I know is an  
13 issue with my office as well is securing your  
14 e-mail.

15 Did you have any prohibitions  
16 about how e-mail was to be used?

17 A. We had two different platforms  
18 for e-mails.

19 Q. What were they?

20 A. Well, there was a classified and  
21 an unclassified one.

22 Q. And for documents on the  
23 unclassified platform, were you permitted to  
24 forward e-mails generally outside of the

1 organization?

2 A. Outside of the organization?

3 Q. Yes.

4 A. Everything was labeled so you had  
5 to see if it was labeled unclassified. And as  
6 long as it wasn't for, I think it was official  
7 or internal use only.

8 Q. Maybe I should get right to the  
9 point.

10 We have a number of e-mails that  
11 were sent to you that were then forwarded to  
12 your husband.

13 Do you recall doing that?

14 A. Yes.

15 Q. What was the reason for doing  
16 that?

17 A. I forwarded them to him in case I  
18 lost access to any of my e-mails again because  
19 Stapleton had my access revoked from a lot of  
20 platforms on the FBI.

21 My husband was an employee, he  
22 had the same clearance as I did, and he knew  
23 about all of the situations and he had also been  
24 interviewed about the situation.

1           Q.     Did you share information with  
2     your husband about any of your subordinates?

3           A.     I think I would just share if we  
4     had done a TDY or who had done the TDY. He knew  
5     where I was working, when I was working,  
6     obviously, because we lived together. He knew  
7     who was on my team. He had worked for my team  
8     for a little when I was on medical recovery. So  
9     that type of information, yes.

10          Q.     Did you ever share any personnel  
11     decisions or matters with your husband?

12          A.     I cannot remember if I did. If I  
13     did, it would have been related to, he was also  
14     a team leader in the same program so he was also  
15     still familiar with those things. So it would  
16     have been just a general question of, how do I  
17     do this or what do I do if someone asked me  
18     this.

19          Q.     Did you ever gossip with your  
20     husband about your team members?

21          A.     I don't know that gossip is  
22     really an appropriate word. I find that  
23     somewhat offensive.

24          Q.     Did you ever gossip with anyone

1 about any of your team leaders?

2 A. I feel the word gossip is  
3 somewhat offensive. I feel like that's kind of  
4 a discriminatory word.

5 Q. Gossip? Well, whether it is or  
6 isn't, I'm asking you if you did that?

7 A. Can you clarify what you mean by  
8 gossip?

9 Q. Did you ever speak with your  
10 husband about matters internal to your team only  
11 when he was not a member of that team?

12 A. Can you give me an example?

13 Q. That is what I'm asking you, if  
14 you did that?

15 A. He did not know details of a lot  
16 of the things that were going on, on the team.  
17 Even now, I don't often share specific details  
18 of things that have happened.

19 Q. Okay.

20 A. He knew that I would be OPR'd.  
21 He knew that I had filed an EEO. He knew all of  
22 those things.

23 Q. What about the situation with  
24 Munafo, did you speak to your husband about

1 Andrew Munafo?

2 A. We had discussed Andrew Munafo  
3 before because he had worked with Andrew Munafo.

4 Q. Can you think of any other  
5 examples?

6 A. I mean, just on the basis -- Joe  
7 Hamilton's daughter, she had come over to my  
8 house and I helped her with math and reading.  
9 So I discussed Joe because Joe would come over  
10 to our house and he knew Joe.

11 Joe would come over at one point  
12 when we had TDY people from other offices that  
13 were visiting and I made a big pot of chili and  
14 they all watched football and I was in and out.  
15 And we probably had candid discussions about  
16 being there, and I'm sure they may have  
17 discussed things, too, but nothing out of the  
18 ordinary.

19 Q. I'm curious if you think the --  
20 what did you say, the term gossip was offensive?

21 A. Yes.

22 Q. Do you consider the term  
23 emotional to be offensive?

24 A. I think overly emotional or

1 calling someone emotional, overly emotional, I  
2 think that is adding a clarifying judgment on  
3 somebody that, you know, you have a right to be  
4 emotional about something, but saying somebody  
5 is overly emotional.

6 Q. So saying someone is emotional is  
7 not offensive, but saying someone is overly  
8 emotional is?

9 Is that a fair characterization?

10 A. Not necessarily.

11 Q. Why not?

12 A. I think it depends on the  
13 situation. Like, if I want to show emotion to  
14 something, I could. Calling me emotional about  
15 something, that is your judgment on how I'm  
16 reacting to something and I don't think that  
17 that's very fair. I think that that's sometimes  
18 condescending.

19 Q. Is it always condescending?

20 A. It depends on who is saying it,  
21 what the situation is, and who it is being said  
22 about.

23 Q. If I were to describe myself as  
24 being very emotional, would you consider that to

1 be offensive language?

2 A. Are you saying that about  
3 yourself?

4 Q. Sure.

5 A. I'm not judging what you say, so  
6 I would not say that that's offensive. If  
7 that's what you feel, for you, then that is  
8 fine.

9 Q. And if I said that my law clerk  
10 is overly emotional, would you say that's  
11 offensive?

12 A. I would say that you are making a  
13 judgment on how much emotion your law clerk  
14 should be using in a situation, and you are not  
15 your law clerk, therefore, you don't know what  
16 type of emotion your law clerk would normally  
17 have in a situation.

18 Q. But if I took out the word  
19 overly, that would make a difference?

20 A. It could make a difference, yes.

21 Q. Okay. But you didn't gossip  
22 about your team members by saying things like  
23 that?

24 A. I don't feel like I gossiped

1       about my team members, no.

2               Q.     Did you gossip about OPR actions?

3               A.     Gossip about OPR actions?

4               Q.     Yes.

5               A.     No.

6               Q.     Investigations?

7               A.     No.

8               Q.     And you certainly never would  
9       threaten to seek revenge on someone that spoke  
10      out against you?

11              A.     No.   And I would like to know  
12      what type of revenge is being referred to,  
13      because I mean, I just -- that whole statement  
14      is just kind of ludicrous to be applied or said  
15      even.

16              Q.     Do you believe that if your  
17      former team members felt that you would seek  
18      revenge on them, that they were being ludicrous?

19              A.     I feel like applying that to me  
20      is a ludicrous statement.  It is inaccurate,  
21      it's a somewhat biased statement because if  
22      somebody misapplies a phrase like that to  
23      somebody or said that, I feel like it is kind of  
24      looking at -- we need to look at why would you



1 be afraid or why would you be saying that and  
2 trying to distract by saying that about me?

3 Q. I appreciate what you are saying  
4 but I don't think it answered my question.

5 A. Okay, I'm sorry. Ask me one more  
6 time.

7 Q. I forget what my question was.  
8 So we will just read it back again.

9 THE COURT REPORTER: One moment.

10 (At this time, the  
11 reporter read back the  
12 requested portion of the  
13 testimony.)

14 THE WITNESS: Yes. I mean, that  
15 is not even a reasonable thing to  
16 think.

17 BY MS. CASTRO:

18 Q. Okay, thank you. That made it  
19 easier for me.

20 A. Okay.

21 MS. CASTRO: I'm going to take a  
22 couple minutes and look through my  
23 notes just to see if I have any more  
24 questions. Let me just -- give me

1                   maybe two or three minutes, if you  
2                   don't mind.

3                   THE WITNESS: Can we take a quick  
4                   break?

5                   MS. CASTRO: Sure. We will take  
6                   a quick five minutes, and we will put  
7                   it on mute.

8                   THE WITNESS: Okay, thank you.

9                                   (At which time, a short  
10                                  recess was taken.)

11                   MS. CASTRO: We are back.

12                   BY MS. CASTRO:

13                                  Q. Just a couple follow-up  
14                   questions. I would remind you, Ms. Boughton,  
15                   you are still under oath.

16                                  I saw some indication in the  
17                   files that there were two women, way back in  
18                   2009, there were two women on your team who were  
19                   probationary employees.

20                                  Do you recall this?

21                                  A. You said probationary employees  
22                   that were worked with me?

23                                  Q. Right.

24                                  A. Jennifer Wisecarver and Nicole

1 Bornstein.

2 Q. Is it Wisecarver?

3 A. Yes.

4 Q. Nicole Bernstein?

5 A. Bornstein.

6 Q. Bornstein, okay.

7 A. Like a star is born, stein.

8 Q. Okay. Were you their supervisor?

9 A. Yes.

10 Q. And it's my understanding that  
11 both of these women were released before their  
12 probationary period ended, is that right?

13 A. That's correct.

14 Q. Why don't we talk about them  
15 individually.

16 With regard to Nicole, why was  
17 she not hired permanently?

18 A. There were a number of  
19 performance issues that actually both of them  
20 had, and they were documented.

21 Q. What were those issues?

22 A. Not following basic protocols for  
23 surveillance and contributing to the team. For  
24 instance, when I asked them to go take an eye on

1 the subject, or silence on the radio for a  
2 while, I find them in the Chick-fil-A  
3 drive-through. And that was just one example of  
4 multiple times that they were not doing what  
5 they were instructed to do. And then giving  
6 excuses, oh, well, I'll get there eventually or  
7 it wasn't that important.

8 And sitting in a drive-through,  
9 that is something you do on your personal time  
10 on your break. You don't do it while we are  
11 operational.

12 Q. Do you recall, it's my  
13 understanding that they were let go for  
14 personality conflict reasons.

15 Do you know anything about that?

16 A. They had trouble, I'm going to  
17 say, yes, coalescing with the team. On a team  
18 there were a lot of disagreements among team  
19 members with them, specifically with Jim Wilson.  
20 James Wilson would often come to me.

21 And Ken Wall was our supervisor  
22 at the time with a list of grievances about them  
23 and their performance and the way that they  
24 acted and talked to him. And Nicole Barkley had

1 a few of those issues. I think Nicole Barkley  
2 ended up finding a way to work out her issues  
3 with them, like talking to them more and trying  
4 to mentor them more.

5 And that was my advice for both  
6 of them was, can you mentor them more, and can  
7 you give me specific things that I can come in  
8 and help with that they could improve on or  
9 things that I am looking for that you are  
10 complaining about. And this went on constantly  
11 with certain individuals of the team.

12 There is also another female on  
13 the team that they would be combative with. Jim  
14 Wilson was also combative with Lisa Burns. She  
15 was one of the original members. And Mary  
16 Fecich, she had a lot of trouble with this  
17 interaction also.

18 Q. Did you ever take steps to  
19 counsel Mr. Wilson on his interactions with  
20 these female employees?

21 A. Yes, multiple times. And after  
22 an incident like I had mentioned before where I  
23 had told him he could not let the team go early,  
24 he would, regularly if we were as a group, we'd

1 meet up as group at the end of shift just to  
2 kind of debrief and go over what happened just  
3 for the log purposes. Because we had to submit  
4 an official log just to make sure that the  
5 details were correct for the writer. And he  
6 would often just interrupt me while we were  
7 talking as a group.

8 If I were leading as the closer,  
9 he would interrupt me, and he would undermine me  
10 as a team leader or he would complain that he  
11 didn't think some things were being done  
12 correctly. And he would become very  
13 argumentative and combative.

14 And multiple times, I would try  
15 one-on-one to talk to him, but I didn't want to  
16 make a show of it in front of everybody or  
17 single him out. I wanted him to be heard.  
18 And then eventually, I had asked my supervisor  
19 to talk to him, and at first, the first time it  
20 was Ken Wall, and then the next time it was Karl  
21 Swenson.

22 And Karl Swenson had to intercede  
23 and I had to have multiple talks with Jim  
24 because Jim said that he refused to talk to me.

1 He said I nitpicked him. He was a grown-up, he  
2 didn't need to be babysat. I need to stop  
3 henpecking him. He wanted to just come out and  
4 sit and drink his Diet Coke and read his paper  
5 and didn't want to be told what to do.

6 And he wouldn't do anything. He  
7 would not come -- like, I said, you have to come  
8 ready to work, ready to be fueled up like the  
9 entire team. And I was, too, and he didn't want  
10 to do it. He wouldn't take an eye. He won't do  
11 the duties for the team that everybody has to  
12 do.

13 And so Karl had to have what Karl  
14 called a gentleman's conversation. I'm not sure  
15 what that means, but I didn't quite appreciate  
16 the phrasing. But that's what he said he had to  
17 have with Jim to tell him he had to do his basic  
18 job requirements and contribute to the team or  
19 it was considered that he was being  
20 insubordinate.

21 Q. It sounds like Jim Wilson was a  
22 bad apple?

23 A. I would say he wasn't a good  
24 apple. He could bring down the entire team,

1       yes.

2                   Q.     That was my next question.

3                             Did his influence rub off on the  
4       other team members?

5                   A.     Yes, because he is the one who  
6       started poking at Andrew Munafo and Jason  
7       Distasio. And he would regularly get into, like  
8       I said before, screaming matches in the middle  
9       of a surveillance in the target's neighborhood  
10      outside of their house screaming at each other  
11      when I was not there.

12                  Q.     You were the supervisor in 2009  
13      when the two female employees were brought on,  
14      weren't you?

15                  A.     I'm confused. Which two females,  
16      Bornstein and Wisecarver?

17                  Q.     Yes.

18                  A.     So they were there before I even  
19      reported to Cincinnati. They went through  
20      training class, and they went too fast before  
21      the team was set up because I came in to set up  
22      the team.

23                             We didn't have vehicles, we  
24      didn't have equipment, we didn't even have an



1 office. And headquarters kind of like spun them  
2 through the class and then spit them to  
3 Cincinnati so that they were already there.  
4 That was in 2008.

5 Q. You did not hire them then?

6 A. No. I had nothing to do with  
7 selecting them.

8 Q. Did you terminate them?

9 A. I had to do the paperwork to send  
10 to headquarters based on my office's request.

11 Q. Did you make the request to  
12 terminate them?

13 A. I sent it to -- I gave it to Ken  
14 Wall. I think he gave it to Kevin Cornelius. I  
15 want to say Kevin Cornelius may have sent that  
16 out.

17 Q. Kevin Cornelius?

18 A. He was our SAP at the time.

19 Q. But did you make the request to  
20 terminate those two employees?

21 A. No. I wanted them to be  
22 remediated. And I just sent it to -- I think it  
23 was the H.R. PAR, whatever the acronym was that  
24 you asked me about earlier. Performance, it

1 sounds good, performance and awards, but it's  
2 not a good thing. But I just sent in the  
3 details to them from their probationary period  
4 and they came back and contacted the office, and  
5 our H.R. said they needed to be put up for  
6 dismissal.

7 Q. I'm just wondering why Mr. Wilson  
8 wasn't put up for dismissal as well?

9 A. So I did ask because he wasn't  
10 performing his duties. If we can consider  
11 something like that to my supervisor, because I  
12 told him what was happening and that's when he  
13 came in and he talked to him and he said, let's  
14 have a conversation.

15 Then I had to have another  
16 conversation with him. But Jim wouldn't even  
17 talk to me. Like he wouldn't even have a  
18 conversation with me because he said he had no  
19 respect for me and he didn't like the way that  
20 things were being run. He had also put in, I  
21 might add, for the team leader's spot in  
22 Cincinnati, and I beat him out for it.

23 Q. How would you say the other team  
24 members would describe you?

1 A. Describe me?

2 Q. Yes.

3 A. I think their description  
4 probably would change just based on the mood of  
5 the team. It would go up and down like I said.  
6 If I was out, if I was able to be out and not  
7 having to do the administrative duties, I think  
8 that it would have probably been more positive.

9 Like I think -- I know and I said  
10 it in the headquarters that the team leader  
11 needs to be out with the team. We have already  
12 identified also in just this time frame that  
13 they need someone to just be there at that  
14 point, that juncture, they need the supervisor  
15 with them.

16 And I think they would have said  
17 that when I am with them as the team, we  
18 operated well and I probably led the team well  
19 and I organized very well, but I think that also  
20 it was very difficult. They did not want to  
21 serve as the acting team leader.

22 I mean, I expressed it with  
23 headquarters that it was a lot of pressure and  
24 duty to put on not only the team leader but to

1 the GS-11, which was the team members that have  
2 to step up and always run the team like that.  
3 So I think that that would have changed possibly  
4 what the description would have been.

5 Q. How do you believe that they  
6 would describe you as the duties were performed,  
7 meaning, you've already told me what you believe  
8 they would have felt had you been in the field  
9 more.

10 But the way it actually was, how  
11 do you believe your team members would have  
12 described you?

13 A. In general, like  
14 personality-wise, I think that probably, you  
15 know, like somewhat stoic. Sometimes a good  
16 sense of humor, knowledgeable. Most times I  
17 would have liked to have thought they thought I  
18 was fair, or at least I very much tried to base  
19 my decisions or opinions on information.

20 MS. CASTRO: Okay. I don't have  
21 any more questions for you. I have  
22 got a couple points for Ms. Newman.

23 We will get the authorizations for  
24 medical records over to you for

1 signature.

2 MS. NEWMAN: Okay.

3 MS. CASTRO: And I also noticed  
4 in the Interrogatories that they were  
5 not signed. And it's more of a  
6 technical thing, but you guys may just  
7 want to send over a verification at  
8 some point.

9 MS. NEWMAN: Yes, we will do  
10 that. The medical records, they may  
11 have been part of our production.

12 MS. CASTRO: I went through  
13 everything and I didn't see them, but  
14 if they are, then great.

15 MS. NEWMAN: We will double check  
16 on that because I know we had gotten  
17 releases. So I'll double check on  
18 that and I'll send that over to you.

19 MS. CASTRO: Okay, thanks.

20 MS. NEWMAN: Yep.

21 MS. CASTRO: Did you want to do  
22 any follow up, Liza?

23 MS. NEWMAN: No, I don't.

24 MS. CASTRO: All right.

1 Well, thank you, Ms. Boughton. I  
2 appreciate your time and your  
3 attention today. Thanks for putting  
4 up with our technical issues.

5 THE WITNESS: I feel like we are  
6 breaking ground, right?

7 MS. CASTRO: Right.

8 THE WITNESS: A new way to do  
9 things.

10 MS. CASTRO: Right.

11 Do you guys want to sign?

12 MS. NEWMAN: Yes. We'll read.

13 MS. CASTRO: Pam will e-mail you  
14 the details.

15   
-----  
16 JENNIFER BOUGHTON

17  
18 DEPOSITION CONCLUDED AT 3:05 P.M.  
19  
20  
21  
22  
23  
24

## C E R T I F I C A T E

STATE OF OHIO :

: SS.

COUNTY OF HAMILTON :

I, Pamela S. Giglio, the undersigned, a duly qualified and commissioned notary public within and for the State of Ohio, do hereby certify that before the giving of her aforesaid deposition the said JENNIFER BOUGHTON was by me first duly sworn to depose the truth, the whole truth, and nothing but the truth; that the foregoing is the deposition given at said time and place by the said JENNIFER BOUGHTON; that said deposition was taken in all respects pursuant to Notice of Deposition and to agreement and stipulations of counsel hereinbefore set forth; that said deposition was taken by me in stenotype and transcribed into typewriting under my supervision; that the transcribed deposition was submitted to the witness for her examination and signature; that I am neither a relative of nor attorney for any of the parties to this cause, nor relative of nor employee of any of counsel, and have no interest whatever in the result of this action.

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 26th day of August, 2020.

/S/ Pamela S. Giglio  
Notary Public - State of Ohio

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March 26, 2024

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